LEGISLATION.

TRAVANCORE EZHAVA REGULATION AMENDMENT BILL.

PRESIDENT: The House will now proceed to the further consideration of the Ezhava Regulation Amendment Bill.

MR. C. P. TARAKAN (*Kunnatnad*): I rise to a point of order.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): Is there any motion before the House so that he may raise a point of order?

MR. C. P. TARAKAN (*Kunnatnad*): Yes. About the Ezhava Bill, I wish to raise a point of order. Standing Order 30 says:—

"If a motion for leave to introduce a Bill is opposed, the President, after permitting, if he think fit, a brief explanatory statement from the member who moves and from a member who opposes the motion, may without further debate put the question thereon."

ഇതാണു് ഞാൻ പറയുന്നതു്. ഈ ബിൽ ഇനി ഒരിക്കൽകൂടിവായിക്കയും പാസ്സാക്കുകയും ചെയ്യേണ്ട ആവശ്യമുണ്ടു്. ഇപ്പോൾ ഈ ബില്ലിനെ സംബന്ധിച്ചു വലിയവാദപ്രതിവാദം നടന്നു കഴിഞ്ഞിരിക്കുന്നു. ഇനിയും അതു ദീർഘിപ്പിക്കേണ്ട ആവശ്യമുണ്ടോ?.

PRESIDENT: May I ask if the members are for curtailing the discussion of the Bill?

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): May I point out that leave has already been granted to introduce this Bill and that the Bill has been introduced in the Council?

MR. T. P. RAMASUBBA AIYAR (*Secretary to Government*): And the mover has moved that the Bill be read in Council and the discussion has been going on.

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): Sir, I have been one of those who sympathise with the *misradayees* who wanted to get themselves exempted from the operation of the existing Ezhava Regulation. In fact, when in the last Council Mr. Paramesvaran moved for the total exclusion of the *misradayees* from the operation of the Ezhava Bill, it was found impossible to support him for the reason that there was a considerable section among the *misradayees* themselves who favoured the Bill. But, as a compromise, it was suggested by Mr. Subba Aiyar, the Deputy President, who was then the Law Member, that a clause be introduced whereby those who did not like to accept the provisions of the Regulation may get themselves exempted. Perhaps in accordance with the strict theory of legislation, it would have been more proper if an amendment, which would have the affect of converting the Regulation into an enabling measure, was introduced before the House and considered. Nevertheless, in the absence of an amendment to that effect, the Council by a majority adopted the suggestion made by Mr. Subba Aiyar, which is now on record as Section 33 of the Ezhava Regulation. Sir, since then one of the prominent leaders among the *misradayam* section came to me and

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stated that the community were not satisfied with that Section and also asked me if I would support an amending Bill when introduced in this Council whereby they would be able to convert the Regulation into an enabling measure. And I told them that, if the Neyyattinkara constituency, which I have the honour to represent, is still of the opinion which it was holding during the time Regulation III of 1100 was under discussion before this Council, I would certainly extend my support to them as I did on the previous occasion. After Mr. Padmanabhan's Bill was published in the *Government Gazette*, a series of deputations as it were came over to me from Neyyattinkara asking me not to accept the Bill. Again there were others who came to me and said that they did want the Bill and therefore I took some pains to ascertain the local opinion in the matter, and I must say that several of those prominent leaders of the *misradaya* community who once asked me to oppose the provisions of the existing Regulation in regard to partition and *makkathayam* are now decidedly of opinion that the existing Regulation may be left as it is. It is not therefore possible for me now to say that there is any decisive opinion in my constituency in favour of the Bill, and on that account I am really sorry that I cannot support the Bill as it is.

MR. A. K. PILLAI (*Karunagapalli*): Was there any decisive opinion among the members of his constituency when he agreed to support the Bill?

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): When?

MR. A. K. PILLAI (*Karunagapalli*): When Mr. G. Paramesvaran Pillai agreed to support it.

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): I agreed to support it on condition that they would satisfy me that my constituency was still of the opinion which it had when the existing Regulation was under discussion in this Council.

MR. A. K. PILLAI (*Karunagapalli*): So the request did not come from his constituency?

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): Of the leaders of the *misradayam* section.

MR. A. K. PILLAI (*Karunagapalli*): May I know whether he considers that he is here to represent and reflect the opinion that might change from time to time in his constituency?

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): Yes. In so far as a measure of this kind is concerned, I did not want my own individual will to be imposed upon any individual community. That is exactly the reason why I supported the exemption clause which was opposed by Mr. Kumaran and others in this Council.

MR. A. K. PILLAI (*Karunagapalli*): May I know what is the means of ascertaining the opinion of his constituency in regard to a particular measure?

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): Of course by investigating and asking for the opinion of the prominent members of the community.

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MR. A. K. PILLAI (*Karunagapalli*): Was there any public meeting in which the opinions were expressed?

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): It is not always by public meetings that we are able to ascertain the truth. It is more by private conversations than by a public meeting that the true opinion is ascertained in regard to such matters.

MR. A. K. PILLAI (*Karunagapalli*): Now that he has felt it necessary to oppose the Bill, does he think that he has satisfied himself by private conversation that the public opinion is against the Bill?

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): That is what I say. The opinion in my constituency in regard to this measure is divided. I do not find such an overwhelming majority in favour of *misradayam* among them as there was when this particular Regulation was under discussion in this Council previously, so that I am not justified in supporting the Bill as it is.

MR. K. I. JOSEPH (*Minachil* cum *Devicolam*): May I know whether this measure affects the Ezhavas of Neyyattinkara alone?

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): I am mainly concerned with their opinion.

MR. K. I. JOSEPH (*Minachil* cum *Devicolam*): May I know whether, if the general interests of the State and the Ezhava community want the Regulation to be in a particular way and if the Ezhavas of Neyyattinkara alone are of a different view, the member is expected to support the Neyyattinkara opinion?

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): My friend, if he has not already known it, may know it from me that, so far as *misradayees* are concerned, they are confined, mainly to Chirayinkil, Trivandrum and Neyyattinkara and that we are not deciding a question which affects the State as a whole.

MR. KAYYALAM PARAMESVARAN PILLAI (*Ag. Additional Head Sirkar Vakil*): May I know from the member whether there is any section in the Neyyattinkara constituency which is now opposed to the intestate succession and partition provisions of the Regulation?

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): There is no considerable section so far as I have been able to ascertain.

MR. KAYYALAM PARAMESVARAN PILLAI (*Ag. Additional Head Sirkar Vakil*): Does the member believe that there is an appreciable section?

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): Some did come and ask me to support the Bill. But it did not appear to be so considerable as to warrant my interfering with the provisions of the existing Regulation.

MR. KAYYALAM PARAMESVARAN PILLAI (*Ag. Additional Head Sirkar Vakil*): If there is an appreciable section against *makkathayam* and partition, does the member think that it is right that that section should go and declare themselves out of the Regulation?

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MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): As a matter of fact, in strict theory it may not be quite all right. I must say that once a Regulation has been passed and once the facilities are given for the unwilling members of the community to get themselves exempted if they choose, I think it is highly inexpedient that we should now interfere in the matter. I say it is a question of public expediency more than anything else that influences me at present not to give my support to this Bill.

MR. KAYYALAM PARAMESVARAN PILLAI (*Ag. Additional Head Sirkar Vakil*): Am I to understand that, if Section 33 had not already been passed, the member would have supported this amending Bill?

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): Certainly. It would have been very desirable under the circumstances if an amendment of this nature was introduced before the old Council when Regulation III was under discussion.

MR. KAYYALAM PARAMESVARAN PILLAI (*Ag. Additional Head Sirkar Vakil*): May I make myself clear and ask if the member's only objection is that Section 33 has already been passed?

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): Yes, exactly. A considerable section of my constituency do not want any further provision at this stage. I may also state another reason. It would appear that about three months have elapsed since the existing Regulation came into force, I find that several children of the deceased have already acquired vested interest on account of the operation of the *makkathayam* section and it would certainly be very hard if we are to divest them of their rights. In that light also, I cannot extend my support to the Bill.

MR. KAYYALAM PARAMESVARAN PILLAI (*Ag. Additional Head Sirkar Vakil*): If, during the further discussion of this measure, it is made out that, in spite of the fact that Section 33 was passed, it is fairly open to this Council to reconsider the matter and if it is further found that Section 33 was passed by misadventure or by technical means, then, would the member be prepared to reopen his judgment before the division of the House takes place?

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): Provided of course a considerable section of my constituency wants me to do so.

MR. A. K. PILLAI (*Karunagapalli*): I want to ask another question Does Mr. G. Paramesvaran Pillai realise that he has been responsible mainly for the introduction of the Bill and that he has misled Mr. Paramesvaran in the view he took?

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): I certainly protest against that suggestion or insinuation. He has absolutely no warrant to make the suggestion.

MR. A. K. PILLAI (*Karunagapalli*): The warrant is from the statement made by Mr. Padmanabhan when he counted upon Mr. G Paramesvaran Pillai as a tower of strength.

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MR. K. P. NILAKANTA PILLAI (*Chirayinkil*) : Sir, I am one of those who have the warmest sympathy with the rights of minorities and I am glad to be able to accept the general principles of legislation which have been laid down by my *guru* Mr. Rangaswami Aiyangar. I may add that I am one of those who affixed their signatures to a document which had been circulated among some of the members of the Council by some ardent advocates of *misradayam*.

MR. S. PIRAVIPERUMAL PILLAI (*Commerce and Industry, South*) : When he signed the document, it meant he gave his support to the Bill.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*) : I did not. If the House will permit me to explain a little further, I may say I protested first of all to sign that document, and even when I signed it, I made the man who came to me to get my signature to understand that I had not considered the merits of the question. I said :—" You want my signature. You say that you have a particular grievance and you also say that you are the spokesman of a section of the *misradayam* who have a grievance. Therefore I am giving a chance so that the measure may be discussed at length in the Council. I am not bound to support the measure." These are the very words I uttered.

MR. KAYYALAM PARAMESVARAN PILLAI (*Ag. Additional Head Sirkar Vakil*) : Does he remember the following passage in the petition?

" We feel that they have a just cause for complaint and their prayer to have the present Clause 33 deleted and modified as stated above is just and equitable".

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*) : That is what the man who came to me said. Therefore he wanted to be given a chance so that he may represent the grievances.

MR. KAYYALAM PARAMESVARAN PILLAI (*Ag. Additional Head Sirkar Vakil*) : Did he not put his signature to the petition on the ground that their prayer is just and equitable?

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*) : Of course, I wanted to give him a chance. I was convinced that there was some grievance. But I did not enter into the merits of the question. If the House will permit, I may say I was laid up with dysentery then. (*Laughter*). He did not give me a chance to go to my constituency and ascertain the public opinion with regard to this particular measure.

MR. R. PADMANABHAN (*Nominated*) : May I know whether he was not the first person who signed the memorial ?

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*) : It is immaterial whether I was the first or the last man.

MR. R. PADMANABHAN (*Nominated*) : The question is not whether it is material or immaterial. But the question is, " Was he not the first person who signed it ?".

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*) : I do not deny that. (*Laughter*).

MR. M. SIVATANU PILLAI (*Tovala*) : May I know whether there was any controversy with regard to this point in his own constituency ?

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MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): Even now there is a controversy.

MR. M. SIVATANU PILLAI (*Tovala*): Does he recognise the strength of the opposition?

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): If the member will kindly be a little patient and follow my speech, he will understand my view.

I adhere to the position that, if Mr. Padmanabhan or anybody else can place before this Council facts and figures to support the case for amending the Ezhava Regulation, this Council might see its way to modify some of its Sections. I am for giving a chance to every member to put his case strongly and effectively before this august body. But unless and until the existing law is shown to be defective or injurious, I am for maintaining the *status quo*. The figures quoted by Mr. Kumaran would convince this House that the majority of the Ezhavas are entirely in favour of unmixed *makkathayam*. The *misradayees* number only two lakhs. And of these two lakhs, the majority are in favour of *makkathayam*. The progress of *marumakkathayam* society has all along been towards the goal of *makkathayam*. It is so with the Nayars; it is the same with the Nanjanad Vellalas; and it is equally the case with the Ezhavas. The S. N. D. P. Yogam, an organisation about whose prestige and popularity Mr. Padmanabhan himself will not join issue with me, has for the last two decades been interested in creating a feeling of solidarity among the members of the great Ezhava community. We find the attempt for the fusion of the Ezhava sub-castes into a homogeneous community was crowned with complete success, the distinction between the Pandi Ezhava and Malayali Ezhava being gradually obliterated by a current of steady social reform. According to the present law, the marriage between the members of different sub-castes is valid. The spiritual regeneration of the Ezhavas is making rapid strides on progressive lines under the headship of a revered *guru* who is held in esteem by all classes of Ezhavas, *makkathayees*, *marumakkathayees* and *misradayees* alike. I am stressing these aspects to prove that the Ezhavas are becoming one community whose members are joined together by the ties of common brotherhood, common religion, common law and community of interest. If therefore any change from *makkathayam* to *misradayam* would have the effect of separating the community into different sections, the excellent work of more than 20 years will have been in vain.

Improvement of the system of inheritance always means change. No law, whether promulgated by an autocratic sovereign or by a democratic legislature, could ever ignore the existence of individuals or sections who are not in favour of change. But when the permanent interest of society requires a modification of existing laws, any undue insistence of getting unanimous opinion is bound to make the change utterly impossible. For if the right of minorities is pressed to its logical consequences, the existence of a single unwilling individual will be enough to make all attempts at legislation absolutely futile.

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The Nayar Regulation has been passed. And compulsory monogamy, provision for divorce courts, individual partition -- all these have been engrafted on the law of the Nayars. The disputes among the Nanjanad Vellalas about *per stripes* and *per capita* division are quite fresh in our minds. I put it, Sir, to Mr. Padmanabhan and to his supporters that, if these so-called rights of minorities are allowed full play, whether, in that case, this Council will ever succeed in passing any legislative measure. If the predominant communities in a State make an attempt to invade the legal rights of classes who are in a minority, it is surely the duty of every right-thinking man to come forward in defence of the few. But no such thing is here attempted. The vast bulk of the community concerned are anxious to obtain a law of *makkathayam*. The provision in the existing law relates only to the devolution of self-acquisitions. The power of executing wills is bestowed upon the members of the Ezhava community, and in addition to this a *misradaya* Ezhava can avail himself of the right of executing gifts and transfers of his property by dispositions *inter vivos*. If any Ezhava is so very affectionate to his sisters and their children, there is nothing to prevent him from giving his property to them. I am unable to see therefore how a change in the law can affect individual cases. It cannot be forgotten that *misradayam* itself is a qualified *makkathayam* and Mr. Kumaran has succeeded in showing that, in division, the wife and children of a *misradayam* Ezhava obtain a larger share of the property than his *marumakkathayam* heirs. That is a long-standing custom and the report of the Ezhava Law Committee would show that parties settle division amicably between themselves without asking the assistance of courts. Such is the practice of the Ezhava community.

Among the Nayars, a parallel community, but one, which had been more essentially *marumakkathayees*, a kind of *misradayam* was introduced in 1088 by the passing of the Nayar Regulation. A widow and children inheriting a Nayar male's property was unheard of before that. But in a dozen years the Nayar community has over-stepped its *marumakkathayam* traditions and accepted complete *makkathayam* so far as self-acquisitions are concerned. Section 21 of the Nayar Regulation was passed after great deliberation. It is instructive to find that the Nayar widow and children are allowed to inherit the property, at least a share of it, of the Nambudiri or Kshatrya husband. The so-called rights of minorities were trotted out on that occasion. But we see from the proceedings of the Council that great lawyers like Messrs. V. Subba Aiyar and Krishna Aiyangar and confirmed aristocrats like the Raja of Parappanad, Messrs. Udaya Varma Raja of Mavelikara, and M. Raja Raja Varma, the late Devaswom Commissioner, accepted a wholesome compromise and withdrew their opposition. If that is the case relating to the rights of inheritance flowing from marriages between members of different castes, where the family of the wife and children is entirely different from the family of the husband and father, where the son is not permitted to perform the *sraddha* of his father or to participate in

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the religious ceremonies of the father's household; how much more equitable is it that the Ezhava wife and children of an Ezhava male who live with him on equal terms in the enjoyment of full spiritual and temporal equality should obtain the worldly belongings of that male which are left undisposed of at his death?

There is great force in the observation made by Mr. Kumaran that the Ezhavas as a class want complete *makkathayam*, for if that was not so, this Council would have been flooded with petitions, memorials and reports of public meetings in which *misradayam* amendment has been accepted with acclamation. I am unable therefore to believe that the present attempt at turning back the course of enlightened legislation is anything but a fad or figment which a few individuals are prepared to cherish. (Mr. P. K. Narayana Pillai: *Hear, hear.*) It is also interesting to find that the stalvart Ezhava champions of *makkathayam* in this Council are themselves *misradayees*. For my part, I am unable to believe that people like Messrs. M. Govindan and N. Kumaran will ever venture to misrepresent the actual public opinion of the *misradayam* Ezhavas. The Ezhava Bill was passed after detailed discussion by the former Council with more Ezhava element, and it is three months since it came into operation. I am unable to take a different view.

Mr. Kumaran's argument that hitherto no *misradayam* Ezhava *tarwad* has chosen to walk out of the law is a forcible one. So far as I am aware, the Ezhava women are not *purdanashins*. And if any one is unwilling to present herself before the public registering authority, she can appear by vakils without any considerable expenditure. People who want special rights should be willing to pay for them, especially when the amount so to be paid is not likely to be more than 10 or 15 rupees. There is no further argument which suggests itself to me.

The Ezhava Bill was a Government measure. It has to be borne in mind that, while the Government allowed the official members the liberty of conscience in voting on most of the sections of the Nayar Regulation, they were obliged to vote with the Law Member on the sections of the Ezhava Bill.

MR. V. SUBBA AIYAR (*Nominated*) (*Deputy President*): I do not think it is true.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): But it is a fact that the official members were obliged to vote with the Law Member whether Government made a clear statement on the points as to how the official members should vote or not (*Cries of no, no*).

MR. N. KUMARAN (*Nominated*): Does Mr. Nilakanta Pillai know that Mr. K. V. Rangaswami Aiyangar stoutly opposed the Ezhava Bill?

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): Of course, from his position yesterday, I must infer so. The Ezhava Law Committee was a body appointed by Government and the Ezhava Bill was taken through the Council by the then Law Member Mr. Subba Aiyar as a full-fledged official measure. That was done probably because the

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Ezhava members in the Council were very few in number. The Government cannot therefore give up the existing law without being satisfied that the great preponderance of public opinion among *misradayee* Ezhavas is distinctly in favour of continuing the older law.

Frequent legislative changes will be prejudicial not only to the prestige of the Legislature but also positively injurious to the community concerned. This is no occasion for theorising on the so-called rights of minorities. I expect the Law Member of the House, who certainly has a duty to perform on behalf of Government even in social legislation, will explain how, in the light of all that has passed in the history of the Ezhava Bill, any drastic change in the law proposed in haste would be beneficial to the community. For, in the last resort, Government is the protector of communities not sufficiently represented in this Council. May I also point out that it is for that reason that the Ezhava Bill became a Government measure while the Nayar Bill was a non-official one? I have studied up the literature on the subject, listened to the speeches and exercised my judgment with anxious care and I feel it is my duty to oppose the present Bill.

MR. KAYYALAM PARAMESVARAN PILLAI (*Ag. Additional Head Sirkar Vakil*): Sir, I gladly take up the invitation to speak and I trust that, should I be able to meet the criticisms levelled against this Bill and should I be able to explain satisfactorily the objects of this measure, the members who have already spoken against it would suspend their judgment until the House actually divides on the motion. But let me begin by expressing the hope that the House will excuse me if I venture to point out that, in spite of the strenuous attempts of my learned friend Mr. Rangaswami Aiyangar to clarify the real and only issue that is involved in the motion before the House, the speeches of most of the members on the other side of the House seem to have dealt with matters which have served only to assemble many excrescences round that real issue in such a way, I fear, that the real thing has become verily imperceptible to the House. Mr. Kumaran especially and most of those who supported him seem to have been speaking more about the comparative advantages of *makkathayam* and *misravazhi* and of partibility and impartibility and the misdeeds of *karanavans* and the ruin of *tarwads*. They urged that the right progress of every community was from *maru makkathayam* and *misradayam* to *makkathayam* and from impartibility to partibility and from corporateness to individualism. They seem to be really aggrieved that the purport of the present measure is to set back the hands of the clock of that progress. From the speeches on the floor of the House and from the appeals made outside this Council Chamber one would think that the provisions for *makkathayam* and partibility that have already been given to the Ezhava community by the Regulation are proposed relentlessly to be taken away by the present measure. Let me therefore at the very outset assure Mr. Kumaran and his party that no such thing is sought to be done.

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The question now before the House is not whether the provisions relating to *makkathayam* and partibility should be done away with. Let me tell Mr. Kumaran and his party that these provisions are in the Statute Book sound and firm and that they will continue to remain there as sound and as firm as they have remained till now. Mr. Kumaran and his party have been saying that these provisions relating to *makkathayam* and partibility are very beneficent to the community; and Mr. Padmanabhan has been saying in his turn that they are not beneficent to the community. All that the proposed measure does is to tell Mr. Kumaran and his party that, should they think that these provisions are beneficial, they should go forward, say that they want those provisions and take them. That is all that the proposed measure says. The amending Bill does not propose to take away the provisions relating to *makkathayam* and partibility. It only says: "If you really think that these provisions are beneficial to you, please come forward and declare that you want them and then take them". I hope that, when this House goes into a division on this question, they will purge all the excrescences that seem to have gathered round this measure and consider that the only question that the House is asked to decide is whether they will be justified in calling upon Mr. Kumaran and his party to come forward and express their desire to come into the innovations provided by the Regulation or whether they should compel Mr. Padmanabhan's party to go and register out—that party which doubts the beneficence of the innovations.

MR. A. K. PILLAI (*Karunagapalli*): Is Mr. Parameswaran Pillai aware of the difficulties that were enumerated by the learned member on the other side, Mr. K. V. Rangaswami Aiyangar, about going and getting themselves registered?

MR. KAYYALAM PARAMESVARAN PILLAI (*Ag. Additional Head Sirkar Vakil*): I am coming to that presently. To illustrate what I was speaking, let me cite the case of that Mr. Sankaran Channar referred to by Mr. Padmanabhan and Mr. Kumaran. Mr. Kumaran said that all the *seshakars* of Mr. Sankaran Channar's *tarwad* were for partition and that even the document had been prepared while the *karanavan*, Mr. Sankaran Channar, alone was against it.

MR. N. KUMARAN (*Nominated*): I want to offer a personal explanation. I never said so. I never knew that a document for partition had been prepared at all. I never made any such statement. I did not know that fact.

MR. KAYYALAM PARAMESVARAN PILLAI (*Ag. Additional Head Sirkar Vakil*): At any rate I believe the member said that the *seshakars* were for partition and the *karanavan* against. Whatever that may be, that does not at all affect my argument. My only point is this, that, if the *seshakars* of any *tarwad* wanted partition and the *karanavan* alone was against it, they will not be prejudiced by the proposed measure, for they can go forward and register themselves into the Regulation and

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solve their difficulty by a little preliminary step before the suit for partition or the registration of the deed of partition. If the majority of the *tarwad* are for the innovations, there is nothing to prevent them from getting at them.

MR. K. MADHAVAN PILLAI (*Trivandrum* cum *Neduvangad*): When Mr. Paramesvaran Pillai says that such of the *misradayees* as want the advantages of the Regulation should come forward and register themselves into the Regulation, may I know why he does not propose that such of the *marumakkathayees* as want the benefits of the Regulation should also come forward and register themselves into it?

MR. KAYYALAM PARAMESVARAN PILLAI (*Ag. Additional Head Sirkar Vakil*): The reason is that no *marumakkathayee* has yet come forward and objected to the present Regulation, and the question of *marumakkathayees* is not before the House.

MR. K. MADHAVAN PILLAI (*Trivandrum* cum *Neduvangad*): Is it the objection alone that counts?

MR. KAYYALAM PARAMESVARAN PILLAI (*Ag. Additional Head Sirkar Vakil*): The *misradayam* Ezhavas alone have come forward and stated that they do not want the provisions of the existing Regulation and we are trying to provide for them. When the *marumakkathayees* come forward, it will be time enough to consider that question.

MR. K. MADHAVAN PILLAI (*Trivandrum* cum *Neduvangad*): Why not they go and register themselves into the Regulation?

MR. KAYYALAM PARAMESVARAN PILLAI (*Ag. Additional Head Sirkar Vakil*): The *marumakkathayees*? They have not yet come forward and said that they have any objection to the provisions of the Bill.

MR. K. MADHAVAN PILLAI (*Trivandrum* cum *Neduvangad*): Is it not a question of principle? Is it only a question of objection from the people?

MR. KAYYALAM PARAMESVARAN PILLAI (*Ag. Additional Head Sirkar Vakil*): It is a question of principle, no doubt, arising out of certain facts, the facts being that the *marumakkathayees* must be dissatisfied with the present Regulation and must say so. If any *marumakkathayees* objected to the provisions of the present Regulation, then it will be the duty of this House to see that they are protected. I ask the question whether there is any considerable section of *marumakkathayees* who are dissatisfied with the provisions of the existing Regulation. I do not think that there is, so far as we are or have been made aware.

MR. A. K. PILLAI (*Karunagapalli*): Is it not fairer to ask the smaller party to go and register themselves out of the Regulation rather than compelling the majority to go and register themselves into the Regulation?

MR. KAYYALAM PARAMESVARAN PILLAI (*Ag. Additional Head Sirkar Vakil*): I will refer to that question presently.

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MR. K. K. THOMAS (*Kottayam*) : In the Statement of Objects and Reasons, it is stated that the *misradayam* Ezhavas strongly desire to be exempted from the provisions of the Regulation. What is the basis for that statement? So far as we have discussed, we have not been able to find the basis for that statement.

MR. KAYYALAM PARAMESVARAN PILLAI (*Ag. Additional Head Sirkar Vakil*) : That is a statement made by the mover of the Bill for which he has made himself responsible. He might have had sufficient reasons for making that statement. Since he is a member of that community, I think we may accept the statement to be correct.

MR. K. K. THOMAS (*Kottayam*): Is Mr. Paramesvaran Pillai aware of the challenge thrown by Mr. Kumaran that there is not a single *misradayee* who is opposed to the existing Regulation?

MR. KAYYALAM PARAMESVARAN PILLAI (*Ag. Additional Head Sirkar Vakil*) : I do not think Mr. Kumaran said that there is not even a *single misradayee* who is opposed to the existing Regulation. If Mr. Kumaran will even now place his hand on his heart and say that there is not a *single misradayee* who is opposed to the provisions of the existing Regulation, I shall sit down this very moment.

As I have said already, the question that has really to be considered in the matter before the House is as to who should go forward and declare their desire. Is it the party that wants the innovations made by the Regulation or the party that does not want those innovations? That is the only question that has arisen for the consideration of this House. My learned friend Mr. K. V. Rangaswami Aiyangar and Mr. K. Narayanan Pandalay, the leader on this side of the House, and the President have referred to the principle of social legislation and have stated that the primary principle of social legislation is that those who want the innovations must go forward and register themselves into the statute and that it is not right that those who do not want the changes and who want to continue as they are should be compelled to come forward and register themselves out of the Statute. I have not heard hitherto anybody disputing or questioning that principle and I believe that, therefore, it might be taken to have been acquiesced in by the House. At any rate, it is not necessary for me to dwell on that question, and I do not propose to do so.

I believe that yesterday a question was put by some member to Mr. Narayanan Pandalay as to what he meant by social legislation. Reference was also made to the Age of Consent Bill. It was asked whether, in such cases, it was not a fact that coercion was applied on particular communities by the supreme power of the Government. The Member might perhaps have referred to an earlier and more pointed instance, namely, the statutory suppression of the *Sati* practice which was an interference with the internal usages and customs of a particular community based perhaps even on religious beliefs. Well, that is justified and justifiable on a different principle. Whenever it is found that any particular observance of a particular section of the people is

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abhorrent to a sense of humanity, or public morals or public policy, then the Government, that is responsible for the social and moral welfare of the people, steps in and imperatively imposes its will for the ultimate good of the people. But that is not the case in the present instance before the House. Here we are concerned merely with some personal laws relating to devolution and holding of property. And the question is whether, on the principle of social legislation referred to, the section, even if it be a minority, that wants to retain the old customs deserves protection at the hands of this House.

MR. K. C. MAMMEN MAPPILLAI (*Commerce and Industry, North*): Will Mr. Paramesvaran Pillai be pleased to fix the limit as regards the number of persons forming the minority that deserves consideration at the hands of this House?

MR. KAYYALAM PARAMESVARAN PILLAI (*Ag. Additional Head Sirkar Vakil*): If there is any minority, appreciable enough to be treated as one section, then protection should be afforded to them by this House.

It has been stated that the provisions relating to *makkathayam* and partibility are beneficial to the community, that those provisions assist the progress of the community and that the objection raised by a section of the *misradayees* is opposed to the sense of public expediency and public progress. What I submit is that the suggestion that the ancient custom of *misradayam* and impartibility is so totally abhorrent to a sense of public progress is not tenable because the Ezhava Regulation though it provides for *makkathayam* and partibility, permits still the retention of *misradayam* and impartibility by those who would go and register. The mere fact that *misradayam* and impartibility are permitted is sufficient to show that they are not such customs as have to be summarily suppressed; and the exemption provision shows also that there is an appreciable section, for the benefit of whom special exemption had to be made. If these two things are granted, namely, that *misradayam* is permissible and that there is a section appreciable enough to be exempted (and these are granted by the Ezhava Regulation itself) the question is, how that exemption should be provided for.

MR. CHANGANACHERY K. PARAMESVARAN PILLAI (*Quilon*): Does Mr. Paramesvaran Pillai know that the Indian Succession Act was applied to the Parsis, although many of them protested against it?

MR. KAYYALAM PARAMESVARAN PILLAI (*Ag. Additional Head Sirkar Vakil*): I am not aware of that. If, however, as a matter of fact, considerable sections of the Parsis protested against it, I should think that it was *prima facie* wrong that they were not allowed exemption from the operation of the Act.

The question, as I said already, is, *if* exemption is permissible, who is it that should go and register—the party that wants the innovations or the party that does not want them? In dealing with this question, let us see, apart from the principle of social legislation, how this community stands in regard to the process of registering in or out. Mr. Kumaran admits

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that there is a dissenting section of the community which has not yet reconciled itself to the provisions of the new Regulation. There have been and there are such people even now. Mr. Kumaran does not deny that fact. But he says that they form only an inappreciable minority. Mr. Padmanabhan, on the other hand, says that the dissenting section is an appreciable majority. I do not think there is any standard at present for this House to decide as to which section forms the majority and which section forms the minority. But I am glad to think that the question as to who is absolutely in the majority need not for the purposes of the present motion be decided. For it is claimed that Mr. Kumaran's party forms the cultured section, the educated section, the articulate section, the progressive section, the reformist section. Certainly all these are claims put forward for Mr. Kumaran's party and I am prepared to concede them. Therefore it should follow that Mr. Padmanabhan's party is the ignorant party, the uneducated party, the conservative party, the inarticulate party, generally speaking of course.

MR. N. KUMARAN (*Nominated*): I never made any statement comparing the two sections of the *misradayees* themselves. I only compared the whole of the *misradayees* to the *marumakkathayam* section and said that the *misradayees* were mainly articulate at the time of the agitation for this measure, *viz.*, from 1083 onwards, while the *marumakkathayam* section became a little more advanced only subsequently. My friend is mistaken in saying that I compared the two sections of the *misradayees* themselves.

MR. KAYYALAM PARAMESVARAN PILLAI (*Ag. Additional Head Sirkar Vakil*): Even if it is so, I believe that Mr. Kumaran does not deny that the considerable majority of cultured Ezhavas are on his side and that that side is, generally speaking, the cultured section. The pointed appeal, which was placed in the hands of the members of this House when we began the discussion yesterday morning and which was signed by a number of Ezhava graduates and graduates in law, is sufficient authority for me to say that Mr. Kumaran's section is the more educated section, the articulate section, and the more cultured section.

MR. G. RAMAN MENON (*Mavelikara* cum *Kartikapalli*): Are there not educated men among the leaders of Mr. Padmanabhan's party?

MR. KAYYALAM PARAMESVARAN PILLAI (*Ag. Additional Head Sirkar Vakil*): There may be just a few. All that I now say is that the articulate section is Mr. Kumaran's party. That being so, is it right on the part of Mr. Kumaran to say that the uncultured people, the uneducated party, the inarticulate party, should be compelled to come forward and declare themselves out of the Regulation, and that within a specified period of six months?

MR. K. K. THOMAS (*Kottayam*): Does Mr. Padmanabhan admit that the people whom he represents are all ignorant people?

MR. KAYYALAM PARAMESVARAN PILLAI (*Ag. Additional Head Sirkar Vakil*): I am not quite sure that he admits it. I am speaking from

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my own personal knowledge also and on the inferences that may be drawn from the events that have been taking place during these few days.

MR. K. SIVARAMA PANIKKAR (*Shertallai*): Is the Law Member aware that, when Mr. Kumaran said that the educated section of the community was against this amendment, he only meant that the cultured opinion of the community was not in favour of it?

MR. KAYYALAM PARAMESVARAN PILLAI (*Ag. Additional Head Sirkar Vakil*): I am quite prepared to accept the member's statement. The cultured section of the *misradayees* is then in favour of the reforms given by the Regulation. That being so, the question is whether the cultured people, the enlightened people, should not be asked to go forward and declare themselves into the Regulation or whether the uncultured and helpless people should be compelled to register themselves out of the Regulation.

MR. K. C. MAMMEN MAPPILLAI (*Commerce and Industry, North*): Does Mr. Paramesvaran Pillai also admit that the majority of *misradayees* are against the Bill?

MR. KAYYALAM PARAMESVARAN PILLAI (*Ag. Additional Head Sirkar Vakil*): The present Bill? No.

MR. K. MADHAVAN PILLAI (*Trivandrum* cum *Neduvangad*): Does Mr. Padmanabhan say that he has a majority behind him?

MR. KAYYALAM PARAMESVARAN PILLAI (*Ag. Additional Head Sirkar Vakil*): I do not quite remember whether he said so or not. But I am sure that, even if he said so, the opposite party will not accept it. As far as I remember, all that he said was that it was very hard for his party.

MR. A. K. PILLAI (*Karunagapalli*): May I ask Mr. Paramesvaran Pillai what will be the effect if the ignorant section, on whose behalf the amending Bill has been brought forward, keep quiet for the six months provided for by Section 33 of the existing Regulation?

MR. KAYYALAM PARAMESVARAN PILLAI (*Ag. Additional Head Sirkar Vakil*): They will all become *makkathayees*, without probably, even their knowing they became so.

MR. A. K. PILLAI (*Karunagapalli*): May I know what will be the effect, so far as the ignorant section of the people are concerned, if they keep quiet for six months after this amending Bill is passed?

MR. KAYYALAM PARAMESVARAN PILLAI (*Ag. Additional Head Sirkar Vakil*): They will continue as they were, without *makkathayam* and partibility until such time that they may decide to go into the Regulation. The amending Bill, which is now introduced, does not fix any time-limit like Section 33 of the existing Regulation. Therefore at any time it is open to them, when they are prepared, to come forward and register themselves into the Regulation.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): How long is the campaign of educating them to be carried on?

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MR. KAYYALAM PARAMESVARAN PILLAI (*Ag. Additional Head Sirkar Vakil*): For eternity, if necessary; because no time limit is provided by the amending Bill. The existing Regulation provides for a time-limit of six months for those gentlemen who want to get out of the Regulation. There is no such provision in the amending Bill, so that at any time the people may get into the Regulation. It is open to Mr. Kumaran to educate the people of his community and make them register themselves into the Regulation as early as possible. He can do that from to-morrow, at any time when it is convenient to him. On the other hand, under the provision in the existing Regulation, if a party does not get exemption within six months, he is barred for ever. Is it not very hard that people, most of whom are ignorant, should be compelled to come forward and register themselves out of the Regulation within six months, failing which they will unconsciously be turned into *makkathayees* and partitionists ?

MR. K. C. MAMMEN MAPPILLAI (*Commerce and Industry, North*): Will Mr. Paramesvaran Pillai be satisfied if the time-limit is extended to one or two years ?

MR. KAYYALAM PARAMESVARAN PILLAI (*Ag. Additional Head Sirkar Vakil*): That is not before the House now. When a motion for extending the time limit is placed before this House, then it may be time enough for us to consider it. The Bill before the House does not prescribe any time limit and it is open to Mr. Kumaran and others to educate the community and see that they come forward and register themselves into the Regulation as often and as long as he finds it convenient to do so.

MR. CHANGANACHERY K. PARAMESVARAN PILLAI (*Quilon*): May I know whether it is the member's opinion that, unless there is unanimity of opinion among the members of a community, no compulsory legislation, affecting that community, should be passed?

MR. KAYYALAM PARAMESVARAN PILLAI (*Ag. Additional Head Sirkar Vakil*): That may be the strict principle in matters of social legislation. But I qualify it by saying that, if there is an appreciable minority against a particular piece of social legislation, the legislation should not be passed coercing that appreciable minority also, if that minority asks for exemption. It is on that very principle that Section 33 was enacted.

MR. CHANGANACHERY K. PARAMESVARAN PILLAI (*Quilon*): May I know what is the standard in finding out whether a minority is *appreciable* or not ?

MR. KAYYALAM PARAMESVARAN PILLAI (*Ag. Additional Head Sirkar Vakil*): Our own opinion, having regard to the facts of each case must be our guide.

MR. K. MADHAVAN PILLAI (*Trivandrum cum Neduvangad*): Will the member be pleased to state as to what should be the proportion roughly ?

MR. KAYYALAM PARAMESVARAN PILLAI (*Ag. Additional Head Sirkar Vakil*): No mathematical proportion can be fixed. It will be a matter of opinion based on the facts of each case.

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MR. CHANGANACHERY K. PARAMESVARAN PILLAI (*Quilon*): So, even if there is a minority of dissenters, you will recommend compulsory legislation?

MR. KAYYALAM PARAMESVARAN PILLAI (*Ag. Additional Head Sirkar Vakil*): If it is a question of absolute principle, I will not support compulsory legislation if there is a dissenting minority. But in practice, it will all depend on the nature of legislation and the conditions of the community.

MR. CHANGANACHERY K. PARAMESVARAN PILLAI (*Quilon*): May I know on what principle the member suggests compulsory legislation if the minority is not appreciable?

MR. KAYYALAM PARAMESVARAN PILLAI (*Ag. Additional Head Sirkar Vakil*): As a matter of expediency, when the large majority of a community are favour of certain provisions, the minority may be ignored if they are not appreciable in number.

But let me say once again that all these considerations are quite irrelevant to the question before the House now. Because, the legislature has already recognised that the party, represented by Mr. Padmanabhan, is not to be coerced into the Regulation. That is why Section 33 was enacted. Now, if it is conceded that a party is not to be coerced, the only question is, who is it that should be called upon to go and register.

MR. N. KUMARAN (*Nominated*): May I ask Mr. Paramesvaran Pillai whether, when the Bill that is now law was introduced in the Legislative Council, he was not a member of the Council?

MR. KAYYALAM PARAMESVARAN PILLAI (*Ag. Additional Head Sirkar Vakil*): I was.

MR. N. KUMARAN (*Nominated*): Did Mr. Paramesvaran Pillai raise any objection to the principle of the Bill being accepted?

MR. KAYYALAM PARAMESVARAN PILLAI (*Ag. Additional Head Sirkar Vakil*): I did not unconditionally accept all the principles. I will read what I said at that time.

"*A priori* speaking, I should have commented on some of the provisions of this Bill even at this stage."

Later on, I have stated

"I think therefore that the Bill deserves support, as it is, *at any rate, at this stage* of it."

MR. N. KUMARAN (*Nominated*): There is this sentence also in his speech.

"My friend Mr. Kumaren Asan, representing his community, says he is quite satisfied with it, and I have not yet heard that it or any of its provisions has been seriously resented by the community or any portion of it."

MR. KAYYALAM PARAMESVARAN PILLAI (*Ag. Additional Head Sirkar Vakil*): That is true. At that time nobody protested against the Bill, at any rate, to my knowledge. It was only after the Bill was introduced into the Council that such protests came in.

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MR. N. KUMARAN (*Nominated*): Was there any difference of opinion at that time?

MR. KAYYALAM PARAMESVARAN PILLAI (*Ag. Additional Head Sirkar Vakil*): Difference of opinion was perceived only after the Bill was introduced into the Council. Even at the introduction, what I said was "*A priori* speaking, I should have commented on some of the provisions of this Bill *even at this stage*." I was quite guarded and deliberately so when I made the statement. *A priori* speaking, I was against some of the provisions, and I may also say that the Bill that has now been passed is something different from the Bill that was introduced. The Bill that was introduced provided only for *thavazhi* partition while the present Regulation provides for individual partition. There is a fundamental difference between the two. I should be prepared to accept *makkathayam* as tolerable but not individual partition. It was the Select Committee that was responsible for providing individual partition.

MR. N. KUMARAN (*Nominated*): Did he say he was against individual partition?

PRESIDENT: I do not think any time need be wasted in such references to what has been said years ago. I do not think all these are strictly relevant to the question.

MR. KAYYALAM PARAMESVARAN PILLAI (*Ag. Additional Head Sirkar Vakil*): What I was submitting was that, having regard to the fact that Mr. Kumaran's party form the cultured section of the community, the balance of justice and the balance of convenience should be to ask the cultured section to come forward and declare themselves into the Regulation and not to compel the ignorant and inarticulate people to do the active act of registering themselves out of the Regulation, when all that they want is to continue as they are and have been. Is it not the function, nay the privilege, of the cultured section to go forward, to be on the vanguard and declare themselves into the Regulation? Is it not one of their functions to see that, being the cultured section of the community, even by making a personal sacrifice, they should go forward and declare themselves into the Regulation? Is it right that we should compel the uneducated and the ignorant people to go forward and register themselves out of the Regulation? That is the only point for the consideration of this House.

MR. K. SIVARAMA PANIKKAR (*Shertallai*): Does Mr. Paramesvaran Pillai say that the cultured section of the community should lead the ignorant people?

MR. KAYYALAM PARAMESVARAN PILLAI (*Ag. Additional Head Sirkar Vakil*): Yes.

MR. K. SIVARAMA PANIKKAR (*Shertallai*): If the ignorant people are going in the wrong direction, are not the cultured people bound to correct them?

MR. KAYYALAM PARAMESVARAN PILLAI (*Ag. Additional Head Sirkar Vakil*): Yes. But who is right and who is wrong is disputed in the present case. But as the member claims culture for Mr. Kumaran's

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party, I say that Mr. Kumaran's party should go forward and register. Mr. Kumaran and other leaders of his community may take any time they like to educate the masses of the community and to make them take advantage of the Regulation by registering themselves in. It is the cultured section that should take the lead and come forward and register themselves into the Regulation and not the ignorant masses who, under the present Regulation have to undergo the trouble of going before Cutcherries in order to continue under the law which has been governing them for centuries together. I appeal to this House to consider this question dispassionately and to concentrate its attention upon the only issue before them, *viz.*, as to who should go to the Cutcherries, whether it is the cultured and the educated section or the ignorant and helpless masses of the community.

There is one other particular reason why I say that Mr. Kumaran's party should go forward and undergo the personal sacrifice of registering into the Regulation. Mr. Padmanabhan said yesterday that it was a great hardship that even the women of his party should be compelled to go and wait at the Cutcherry in order to be allowed to continue under the law which has been governing them for a number of years. That is what the petition, read out yesterday, also said.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): Are there not women on the other side also? (*Laughter.*)

MR. KAYYALAM PARAMESVARAN PILLAI (*Ag. Additional Head Sirkar Vakil*): There are; but Mr. Kumaran was pleased to say that the men and women of his party have absolutely no objection to go to the Cutcherries. I am prepared to accept Mr. Kumaran at his word. Here is one party which has serious objection to go and appear before Cutcherries in order to get themselves registered out of the Regulation. Here is Mr. Kumaran, speaking on behalf of the other party, saying that the men and women of his community have absolutely no reluctance to go before Cutcherries for the purpose of registering themselves into the Regulation or for other matters. Is it not right then that that party, which has absolutely no reluctance, no objection, to go forward for registration, should be asked to do so? Is it fair on the part of this House to compel that party which feels aggrieved at being asked to go to Cutcherries and register themselves out of the Regulation?

MR. G. RAMAN MENON (*Mavelikara* cum *Kartikapalli*): Are there not persons among *marumakkathayees* who want to take advantage of the provisions of the Regulation?

MR. KAYYALAM PARAMESVARAN PILLAI (*Ag. Additional Head Sirkar Vakil*): There may be. This Amending Bill does not affect *marumakkathayees*.

MR. G. RAMAN MENON (*Mavelikara* cum *Kartikapalli*): Why not the other party apply for exemption from the operation of the Regulation?

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MR. KAYYALAM PARAMESVARAN PILLAI (*Ag. Additional Head Sirkar Vakil*): Admittedly they are the ignorant people. Therefore, their grievances should be considered more sympathetically.

MR. G. RAMAN MENON (*Mavelikara* cum *Kartikapalli*): May I know whether, if the present Bill becomes law, the majority (of a *tarwad*) will not coerce the minority which they be a whole *thavazhee* who may not ask for partition?

MR. KAYYALAM PARAMESVARAN PILLAI (*Ag. Additional Head Sirkar Vakil*): Yes; this Amending Bill will have that effect. It appears to have been more or less accepted that the *tarwad* should be governed by the majority in it.

MR. G. RAMAN MENON (*Mavelikara* cum *Kartikapalli*): Will not such coercion of the *minority of a tarwad* be against the principle of disallowing coercion by the *majority of a community*?

MR. KAYYALAM PARAMESVARAN PILLAI (*Ag. Additional Head Sirkar Vakil*): It is open to the member to propose the necessary amendment to the present Bill when it is being considered by the Select Committee. He may suggest the amendment that all the members of a *tarwad* should together apply. I daresay that such an amendment may be supported.

MR. N. KUMARAN (*Nominated*): May I point out to Mr. Kayyalam Paramesvaran Pillai that, under Section 33 of the existing Regulation, it is only individual men that need come forward and apply for exemption so far as the *misradayees* are concerned? Section 33 enables every *man* to make an application for exemption, so that the system of inheritance provided in the existing Regulation should not apply to his property when he dies intestate. Therefore, there is absolutely no necessity for any *woman* to go to public offices and make applications.

MR. KAYYALAM PARAMESVARAN PILLAI (*Ag. Additional Head Sirkar Vakil*): But what about the partition which is also obnoxious to Mr. Padmanabhan's party? That provision is also one and, in my eyes, the more important one in regard to which exemption is sought. So then what I submit is that Mr. Kumaran's party, being the cultured party should be prepared to make some personal sacrifice in expressing its desire to get into the Regulation, especially because it is *they* that want to alter the existing law. It seems to me, Sir, that, on principles of justice, and on principles of expediency, it is Mr. Kumaran and his party that should be asked to go forward and declare themselves into the Regulation. And that is the principle involved in the Bill and the only question that arises for decision.

Before I close, I wish to answer some of the objections that have been raised against this Bill. One of the objections raised is that, till now, not a single *misradayee* has declared his unwillingness to be bound by the existing Regulation. To one who knows all that have been taking place till this Bill was introduced, it would appear perfectly natural that they did not till now declare their wishes to go out of the Regulation

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Immediately after the Regulation was passed, eleven honourable members of this Council requested the Government urgently to get a law passed on the lines of the amending Bill now before the House. Thereafter Government allowed them permission to introduce a Bill without formal leave being asked for. So, even before the existing Regulation came into operation, the dissenting section had begun the actual motion for amending the law. That probably is the reason why none of them went forward, till now, for the purpose of getting exemption. I think their course of action appears to be very reasonable and natural.

MR. K. SIVARAMA PANIKKAR (*Shertallai*): Were they sure that they would get the Bill passed in this Council?

MR. KAYYALAM PARAMESVARAN PILLAI (*Ag. Additional Head Sirkar Vakil*): When eleven members of this Council moved the Government for urgently passing a law, I think the people have every reason to entertain a hope that it may be passed in the Council itself.

MR. K. SIVARAMA PANIKKAR (*Shertallai*): Does *eleven* form the majority of this Council?

MR. KAYYALAM PARAMESVARAN PILLAI (*Ag. Additional Head Sirkar Vakil*): They do not and need not form the majority. But I think that, when eleven members of this House put their hands attesting the reasonableness of the Bill, the *misradayees* may at least entertain a hope—

MR. A. K. PILLAI (*Karunagapalli*): Therefore, the people are not altogether ignorant of what is going on in the world.

MR. KAYYALAM PARAMESVARAN PILLAI (*Ag. Additional Head Sirkar Vakil*): The leaders were not ignorant of all these matters. I did not say that all the *misradayees* were ignorant. Although the majority of them are ignorant, there are some who are prepared to lead them; otherwise this Bill itself would not have come here.

MR. N. KUMARAN (*Nominated*): How is it that persons who made attempts to get this Bill introduced, before the existing Regulation came into force, managed to convey this information to the *two lakhs* of *misradayees*?

MR. KAYYALAM PARAMESVARAN PILLAI (*Ag. Additional Head Sirkar Vakil*): Who says that information was conveyed? The two lakhs are probably blissfully ignorant of all these. They are probably as ignorant of these attempts as they are of Section 33 itself. It is with reference to the question why, although some people are agitating for *misradayam*, a single one has not yet registered out under Section 33, that I said their action may be due to their entertaining hopes of getting a new law passed. So then, the fact that these people did not go forward and take the step of declaring should not be considered to be a factor against them in view of the course of action they have already been taking.

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MR. R. PADMANABHAN (*Nominated*): May I know whether Government has drafted any rules for putting any application for exemption under Regulation III of 1100?

MR. KAYYALAM PARAMESVARAN PILLAI (*Ag. Additional Head Sirkar Vakil*): I am not speaking for Government now.

The most formidable objection that has been raised against the Bill is that the Council has already decided that the people who want to maintain the *misradayam* and the impartibility provisions must be asked to go and declare themselves out of the Regulation. Dr. Kunjan Pillai, for instance, said that the whole matter had been threshed out in all its aspects and that it is not right that this Council should re-open the question now. I believe that was the basis of the opinion of Mr. G. Paramesvaran Pillai also. I hope that, if I am able satisfactorily to answer this objection, they will vote for the measure in spite of what they spoke.

This very same amendment which is the subject of the Bill was suggested by Mr. Paramesvaran, Ezhava member of the last Council. But it was not accepted or even considered by this Council on a technical ground. It will be remembered that this amendment is the outcome of a public meeting held in this hall under the presidency of Mr. K. G. Sesha Aiyar. The resolutions passed at the public meeting and the amendment as put in in this Council are exactly the same. But at that time the second reading of the Ezhava Bill had already passed; and at the third reading of the Bill, when the matter came to the Council, Mr. Paramesvaran asked Mr. Subba Aiyar why he did not include his (Mr. Paramesvaran's) amendments. Mr. Paramesvaran also told Mr. Subba Aiyar that the amendment was passed by a public meeting of the Ezhavas who had also sent in a petition embodying the amendments. Mr. Subba Aiyar said that the amendment could not be accepted or placed before the Council at the third reading as it was of a controversial nature. I hope the House will permit me to read that portion of the Council Proceedings relating to this matter. At the third reading of the Bill, Mr. Subba Aiyar, the member in charge of the Bill, said:—

> "The only material point is about Clause 33 of the Bill. I must admit that this House did recognise that there was a difference of opinion as to whether the wife and children should be given the whole of the property and, under the impression that the majority of the community are for it, Clause 33 has been enacted with a view to see that those who are in a minority are at liberty to get out of it. Even individuals can get out of it in the case of intestate succession. In the case of partition, the *tarwad* can get out of it with the permission of the majority of the adult members. The only question now before the House is whether Mr. Kumaran's party is in a majority or Mr. Paramesvaran's party is in a majority. We have started with the presumption that Mr. Kumaran's party is in a majority and the ordinary rule is that we must provide for the majority, allowing the minority to get out of it. Perhaps Mr. Paramesvaran's party may be in a majority. We do not know anything about it. Anyhow, even if the Bill becomes law, I do not think that the Council will be debarred from passing an amending Bill at a later stage. I may state, for the information of the House, that the Government is absolutely indifferent as to whether a social Bill is passed or rejected by this House, and I will be entirely guided by the decision of the House."

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[Mr. Kayyalam Paramesvaran Pillai.]

And then in the course of the same discussion, Mr. Subba Aiyar said: —

"Mr. Paramesvaran asks me why, when I have introduced a large number of amendments to the Bill, it is not possible for me to introduce an amendment to delete Clause 33, and amend it in such a way as to say that any *misradaya* Ezhava can apply to the Government to be included in the provisions of this Regulation. I have only to tell him that the amendments were put in only because they were of a non-controversial nature. If there was any difference of opinion about any of them, I would not have introduced them. Seeing that Mr. Kumaran and Mr. Govindan oppose a provision of the nature that Mr. Paramesvaran requires, I do not think the Government will be justified in introducing it. I may tell him that, if I happen to be a non-official member in the next Council and if he will convince me as to the necessity for that amendment, I shall help him as far as I can."

The expression in the printed proceedings is "excluded from" and not "included in" as I have read. But that is a clerical mistake and it ought really to be "included in." I have asked Mr. Subba Aiyar also about it and he agrees with me.

MR. V. SUBBA AIYAR (*Nominated*) (*Deputy President*): Yes; it is so. "Excluded from" is a mistake for "included in."

MR. KAYYALAM PARAMESVARAN PILLAI (*Ag. Additional Head Sirkar Vakil*): So, the House will see that this very amendment was sought to be introduced but unfortunately it had to be thrown out as the second reading had already passed. Mr. Subba Aiyar, the member in charge, could not accept the amendment of Mr. Paramesvaran on a presumption that Mr Kumaran's party was in the majority; and the amendment could not even be placed before the House as the Bill was in the third reading stage.

MR. K. I. JOSEPH (*Minachil* cum *Devicolam*): Why was not the matter placed before the Council?

MR. KAYYALAM PARAMESVARAN PILLAI (*Ag. Additional Head Sirkar Vakil*): On a technical reason it could not be done. It is the general rule that, at the third reading, only Government can introduce amendments, and no private amendment will be allowed.

But, now it is contended that the Council had fully considered the matter once. On the other hand, it will be seen that the matter was not considered at all on something like a technical ground, and further, something like a pledge was held out that the matter would be considered again by the next Council if necessary.

MR. G. RAMAN MENON (*Mavelikara* cum *Kartikapalli*): May I know whether Section 33 of the Bill does not enable any Ezhava to get out of the operation of the Sections concerned of the Regulation?

MR. KAYYALAM PARAMESVARAN PILLAI (*Ag. Additional Head Sirkar Vakil*): Yes, it does. That is the reason why this amendment Bill has come in to-day.

MR. A. K. PILLAI (*Karunagapalli*): May I know what are the injurious Sections in the Bill that affect the community if they do not get out of the operation of the Bill?

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MR. KAYYALAM PARAMESVARAN PILLAI (*Ag. Additional Head Sirkar Vakil*): I shall deal with them later on.

I now request the House to bear in mind that, if any member feels any doubt with regard to the voting for the amendment, on the ground that the Council had once considered it, let me assure him that it has not been considered at all by this House. This House should not therefore refuse to consider the present Bill on its merits.

MR. K. I. JOSEPH (*Minachil cum Devicolam*): May I know whether Section 33 alone or the whole of the Bill was not considered properly?

MR. KAYYALAM PARAMESVARAN PILLAI (*Ag. Additional Head Sirkar Vakil*): What was not properly considered is the amendment that was sought to be introduced by Mr. Paramesvaran and which was exactly like the present amendment.

The next meeting of the Council was the last session. At that time Mr. Paramesvaran's party was fortunate enough to get the support of eleven members of this House who put their signature to a petition saying that the measure proposed is fair and reasonable and that Government should introduce the measure as an amending Bill. Government, however, asked the measure to be brought as a non-official Bill, but dispensed with leave being asked for.

And thus, as a natural sequence of the preceding incidents, this Bill has to-day come to the Council and it is entitled to fair consideration.

MR. N. V. JOSEPH (*Parur*): May I know from Mr. Paramesvaran Pillai, considering the two provisions, one in the existing Regulation and the other in the amending Bill, which seeks to bring about a uniformity in the law of Ezhavas as a whole?

PRESIDENT: I don't think that is relevant to the discussion. You cannot bring any question of this sort as to what sections there will be in the future.

MR. KAYYALAM PARAMESVARAN PILLAI (*Ag. Additional Head Sirkar Vakil*): Thus then the amendment sought to be introduced by Mr. Paramesvaran could not be accepted by Mr. Subba Aiyar on a presumption that Mr. Kumaran's party was in the majority and could not be placed before the House on a technical ground. A question was asked, why was not the amendment attempted or moved at the second reading of the Bill or before? I am prepared to answer that. If for a moment the members will consider the history of the course of the Bill, the answer will be evident. When the Bill was first introduced into the Council, it contained only *thavazhi* partition though with *makkathayam* also. The Bill that was recommended by the Ezhava Law Committee provided only for *thavazhi* partition though with *makkathayam* also. The Bill with *thavazhi* partition was introduced and it is the principle of such a Bill that was affirmed by the Council, the old Council, and the matter was referred to a Select Committee. It was after the Select Committee's report that the matter came for consideration before the House for the second reading. The Select Committee

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converted *thavazhi* partition into individual partition. This fundamental change in the nature of partition was effected in the closed chamber of the Select Committee apparently at the initial motion, of Dr. Kunjan Pillai as he himself told the House yesterday. Mr. Paramesvaran's party naturally got very alarmed, and, at the second reading, he moved that the *misradayees* be kept out of this measure entirely. Probably it was not wise for him to have asked for the exclusion of all the *misradayees* when some wanted the measure. However his motion was not accepted by the Council and I believe he even withdrew it.

MR. V. SUBBA AIYAR (*Nominated*) (*Deputy President*): May I ask Mr. Paramesvaran Pillai how he concludes that the Bill as it stands recognised individual partition ?

MR. KAYYALAM PARAMESVARAN PILLAI (*Ag. Additional Head Sirkar Vakil*): I shall state that. It will be seen that the partition provided for by the draft Bill as introduced is *thavazhi* partition. That is to say, if there is a common ancestress having a son and two daughters each having a number of children, there can be no partition during the lifetime of the ancestress or even of her son, the uncle of the *seshakars*. When both these people are dead, partition is allowed into two, each daughter and her *thavazhi* getting one share as a whole, and thus property goes into the hands of groups only and not into the hands of individuals. The result is that, instead of the original single *tarwad*, there are two *tarwads* after partition. But still property is held as corporate property only. Whereas in the case of individual partition, property very often goes into the hands of single individuals, as for instance, when the common uncle or uncles are alive, each of them is given an individual share. And thus property goes into the hands of single individuals and the *tarwad* is disintegrated and common corporate property becomes separate property of individuals. Under the partition recommended by the Ezhava Law Committee and provided for by the draft Bill, *tarwad* property was not allowed to go into the hands of individuals. *Tarwad* was allowed to disintegrate, but only into smaller *tarwads*. This is the fundamental difference between the two partitions. This fundamental change took place in the closed chamber of the Select Committee. It was, when that matter was divulged to the public by the publication of the Select Committee's Report, that Mr. Paramesvaran's party got very alarmed and began the agitation.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*) : May I know whether Mr. Paramesvaran objected to it on that score ?

MR. KAYYALAM PARAMESVARAN PILLAI (*Ag. Additional Head Sirkar Vakil*) : He objected to partibility and *makkathayam* and I don't vouch for the way he put in his protest. I may also add that I, for my part, am prepared to say that *makkathayam* is tolerable but it is partibility that deeply alarmed the community because the *tarwad* will be disintegrated, the *tarwad*, that is and ought to be a haven of refuge for

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the helpless womenfolk. If *makkayatham* was objected to and *misradayam* was sought to be maintained it was done only as ancilliary to maintaining the *tarwad* as a *tarwad*. For, if there is *misradayam*, some property of the acquirer will go to maintain and enlarge the *tarwad*. If there is *misradayam*, one-half of a man's property together with *vatsaravakasam*, making up, roughly six-tenths of a man's acquisition go to the children and the balance will go to support the *tarwad*, *i. e.*, to say, the mother and sisters of the acquirer and their *thavazhi*.

MR. G. RAMAN MENON (*Mavelikara* cum *Kartikapalli*) : May I know whether the property will not go out of the *tarwad* also ?

MR. KAYYALAM PARAMESVARAN PILLAI (*Ag. Additional Head Sirkar Vakil*) : Yes ; if individual partition is allowed. If the *tarwad* is to be retained and maintained, it is only reasonable that a man should allow some of his property to go to his *tarwad*, the *tarwad* which will be the haven of refuge for the helpless women of the *tarwad*. Mr. Parameswaran's party therefore protested against individual partition.

MR. G. RAMAN MENON (*Mavelikara* cum *Kartikapalli*) : May I know whether the real objection was against the partition ?

MR. KAYYALAM PARAMESVARAN PILLAI (*Ag. Additional Head Sirkar Vakil*): Not merely to that. To partition principally and to *makkathayam* as ancilliary to that. As I said already, at the second reading therefore Mr. Parameswaran introduced the motion that the *misradayees* should be entirely excluded from the operation of the Bill. The House thought that that was unreasonable. Mr. Paramesvaran was certainly taking an extreme and unwise step in asking the House to exclude the *misradayees* altogether. The House did not agree to that view. And Mr. Paramesvaran withdrew his motion. It was after that, that the present Section 33 was introduced of which the public had no previous notice. I daresay there was some short informal notice to the members of this House. Mr. Paramesvaran must have been taken aback at this, as his contention was that it is the other party that should declare themselves into the legislation. This Section 33, introduced as it was suddenly, had not of course received any public attention or criticism and Mr. Paramesvaran himself could hardly have had any time to consult his party or to judge clearly the effects of Section 33 although of course he was certainly against it. And thus, after Mr. Paramesvaran's amendment to exclude the *misradayees* entirely was turned down by the Council, the provisions of Section 33 were introduced by the member in charge of the Bill without the public knowing anything about it, on the assumption that the majority were in favour of the Regulation. And so it happened that, after the second reading, the *misradayee* public began to agitate against Section 33, and apparently Mr. Paramesvaran wanted also to make out that the majority was on his side. It was of course impossible to start the agitation against Section 33 before it was actually passed. Mr. Paramesvaran was fortunate enough to get the support of Mr. K. G. Sesha Aiyar, a retired judge of the High Court and a Vakil of long standing. It was not that he was a judge of the High Court that gave support to the cause. Mr. K. G. Sesha Aiyar was a legal practitioner

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of extensive original practice in the District Court of Trivandrum within the jurisdiction of which lies the stronghold of the *misradaya* section of the Ezhava community, *viz.*, the taluks of Trivandrum, Chirayinkil and Neyyattinkara. In his extensive practice of about a quarter of a century, he had occasion to come into close contact with a large number of *misradaya* Ezhavas whose sentiments and trend of thought he must have been able to appreciate. Now, under the presidentship of Mr. K. G. Sesha Aiyar, the *misradaya* Ezhavas got the resolutions passed.

MR. N. KUMARAN (*Nominated*): May I know whether Mr. K. G. Sesha Aiyar would not have presided over a meeting convened by the section of Ezhavas who wanted *makkathayam*?

MR. KAYYALAM PARAMESVARAN PILLAI (*Ag. Additional Head Sirkar Vakil*): I am not at all sure of it. At any rate he did not preside.

MR. N. KUMARAN (*Nominated*): Is it because Mr. K. G. Sesha Aiyar was of opinion that the majority was for the *misradayees* that he presided?

MR. KAYYALAM PARAMESVARAN PILLAI (*Ag. Additional Head Sirkar Vakil*): I am only saying that Mr Paramesvaran's party was able to get the support of even such a gentleman as Mr. K. G. Sesha Aiyar. At that meeting a resolution was passed on the exact lines of the present amending Bill.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): May I know whether the member is in possession of the reasons that prompted Mr. Sesha Aiyar to preside over the meeting?

MR. KAYYALAM PARAMESVARAN PILLAI (*Ag. Additional Head Sirkar Vakil*): I do dot know that it was any other reason than sympathy with the *misradayees*.

MR. V. SUBBA AIYAR (*Nominated*) (*Deputy President*): Does the member mean to say that the fact that he presided over the meeting shows that Mr. K. G. Sesha Aiyar was in favour of the amendment?

MR. KAYYALAM PARAMESVARAN PILLAI (*Ag. Additional Head Sirkar Vakil*): Yes; and I believe that he also spoke in favour of *misradayam* although I am not quite sure of it. Immediatety after the meeting, the *misradayees* went in a mass, waited on the Dewan who was pleased to receive them even on a Sunday in the Public Offices and the resolutions were submitted to Government. But the Government member in charge of the Bill could not accept the amendment as already said, and he could not even place it before the House as, at the third reading, controversial matters could not be introduced. Thus, the amendment was driven from pillar to post and never had even a fair hearing by this House.

MR. V. SUBBA AIYAR (*Nominated*) (*Deputy President*): Is it because they thought that, without that Section, they would be better that they wanted Section 33 to be deleted, or is it because they thought that they would be worse that they took some other action?

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MR. KAYYALAM PARAMESVARAN PILLAI (*Ag. Additional Head Sirkar Vakil*): All that I can say is that they were not satisfied with that Section.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): May I know whether Section 33 is not the outcome of private representation made by Mr. Paramesvaran and his party?

MR. KAYYALAM PARAMESVARAN PILLAI (*Ag. Additional Head Sirkar Vakil*): Not so, so far as I am aware. At any rate he did not agree to Section 33. That is clear enough.

MR. CHANGANACHERY K. PARAMESVARAN PILLAI (*Quilon*): Supposing the question were decided in the last Council, may I know whether the Law Member would recommend for a reconsideration of this Bill?

MR. KAYYALAM PARAMESVARAN PILLAI (*Ag. Additional Head Sirkar Vakil*): I am not now speaking as Law Member at all. Many members who spoke on this motion and opposed Mr. Padmanabhan's measure urged the ground that this matter had once been considered by this Council and they ask, is it right that we should go back on what we have decided once. I therefore want to make it clear that this matter was *not* duly considered at the last Council and in fact was not given even a fair chance of being heard.

MR. A. K. PILLAI (*Karunagapalli*): May I point out that that was not the position of all the members who opposed it? Perhaps it was only the position taken by two or three of the members.

MR. KAYYALAM PARAMESVARAN PILLAI (*Ag. Additional Head Sirkar Vakil*): Probably not all. But many urged that ground. And, I believe I have answered that ground as it is indeed my duty to place all circumstances before the House. In fact, as I said, something like a pledge was held out that the amendment might be brought at the next Council and that it would also be duly considered then.

MR. K. MADHAVAN PILLAI (*Trivandrum cum Neduvangad*): May I know whether it was not open to the President of the Council to bring in any amendment to the Regulation?

MR. KAYYALAM PARAMESVARAN PILLAI (*Ag. Additional Head Sirkar Vakil*): No; the President cannot.

MR. V. SUBBA AIYAR (*Nominated*) (*Deputy President*): Will the member please read out that portion in which he said that I had given a pledge?

MR. KAYYALAM PARAMESVARAN PILLAI (*Ag. Additional Head Sirkar Vakil*): I said that '*something like* a pledge' was given.

MR. V. SUBBA AIYAR (*Nominated*) (*Deputy President*): Will the member please read out that portion?

MR. KAYYALAM PARAMESVARAN PILLAI (*Ag. Additional Head Sirkar Vakil*): At page 1080, Mr. Subba Aiyar says:

"We have started with the presumption that Mr. Kumaran's party is in a majority and the ordinary rule is that we must provide for the majority, allowing the minority to get out of it. Perhaps Mr. Paramesvaran's party may be in a majority. We do not know anything about it. Anyhow, even if the Bill becomes law, I do not think that the

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Council will be debarred from passing an amending Bill at a later stage. I may state, for the information of the House, that the Government is absolutely indifferent as to whether a social Bill is passed or rejected by this House and I will be entirely guided by the decision of this House."

Then again, later on, Mr. Subba Aiyar says:—

"Mr. Paramesvaran asks me why, when I have introduced a large number of amendments to the Bill, it is not possible for me to introduce an amendment to delete clause 33 and amend it in such a way as to say that any *misradaya* Ezhava can apply to the Government to be included in the provisions of this Regulation. I have only to tell him that the amendments were put in only because they were of a non-controversial nature. If there was any difference of opinion about any of them, I would not have introduced them. Seeing that Mr. Kumaran and Mr. Govindan oppose a provision of the nature that Mr. Paramesvaran requires, I do not think the Government will be justified in introducing it. I may tell him that, if I happen to be a non-official member in the next Council and if he will convince me as to the necessity for that amendment, I shall help him as far as I can."

MR. V. SUBBA AIYAR (*Nominated*) (*Deputy President*): May I take it, Sir, that that pledge was not given on behalf of the Government?

MR. KAYYALAM PARAMESVARAN PILLAI (*Ag. Additional Head Sirkar Vakil*): I am quite prepared to accept that it was not on behalf of Government. But that was what the member in charge of the Bill said.

MR. V. SUBBA AIYAR (*Nominated*) (*Deputy President*): What I then said was:—

"I may tell him that, if I happen to be a non-official member in the next Council and if he will convince me as to the necessity for that amendment, I shall help him as far as I can."

MR. KAYYALAM PARAMESVARAN PILLAI (*Ag. Additional Head Sirkar Vakil*): Yes; quite so.

MR. CHANGANACHERY K. PARAMESVARAN PILLAI (*Quilon*): Mr. Subba Aiyar said that it would be considered when the Bill comes up for discussion during the next Council.

MR. KAYYALAM PARAMESVARAN PILLAI (*Ag. Additional Head Sirkar Vakil*): Yes; true enough. But Mr. Subba Aiyar's statement implies that the Bill may be brought and it will be then fairly considered. Otherwise, how can any attempt be made to convince Mr. Subba Aiyar as a member of the Council? The pledge was that the Bill may be allowed to be introduced and that, then, it will receive consideration, apparently because the amendment had not received due consideration by the Council, at the third reading. Now, when it is brought, the objection is raised that it has already been considered and disposed of.

MR. K. MADHAVAN PILLAI (*Trivandrum* cum *Neduvangad*): May I know from Mr. Kayyalam Paramesvaran Pillai whether he means that the amendment alone was not taken up for discussion or whether the whole of Section 33 was not considered?

MR. KAYYALAM PARAMESVARAN PILLAI (*Ag. Additional Head Sirkar Vakil*): Section 33 was put to the House and it was accepted. But the amendment that Mr. Paramesvaran wanted was not even put to the House by the side of Section 33, so that the House may choose between the two. As it was, Section 33 alone was put as the method of protecting the dissentients and it was accepted.

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MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): May I know from Mr. Kayyalam Paramesvaran Pillai whether every amendment should be made known to the public?

MR. KAYYALAM PARAMESVARAN PILLAI (*Ag. Additional Head Sirkar Vakil*): It is only fair that every proposal involving a principle should be made known to the public. That is why the draft Bill and the Select Committee's report on the Bill are published.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): May I know whether they should be notified to the public?

MR. KAYYALAM PARAMESVARAN PILLAI (*Ag. Additional Head Sirkar Vakil*): As a rule, the public should be given an opportunity to know what is going to take place, so that their attention may be directed to it. So then, I appeal to the House once again to remember that there was absolutely no judgment deliberately given by this House and that they need not feel any scruples on that score to vote for the measure now before the House, if the measure is a just and equitable one in itself.

There is one other objection which I should like to meet. Some members raised the analogy of an application for review before courts of law and said that this matter could be reviewed only if there are sufficient reasons. It is hardly necessary for me to say that the rules of the Civil Procedure Code which bind a Civil Court do not at all apply to the proceedings of a law-making body like this Council. That apart, I ask the House whether the reasons given above are not sufficient reasons for reviewing. Section 33 was introduced at the second reading without the usual formal previous notice, and, at the third reading, this amendment could not be placed before the House owing to a technical objection.

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): May I point out to Mr. Paramesvaran Pillai that, with regard to Section 33, even Mr. Paramesvaran did not object to that while it was under discussion?

MR. KAYYALAM PARAMESVARAN PILLAI (*Ag. Additional Head Sirkar Vakil*): Probably he did not formally raise any objection. But it is quite clear from the proceedings that he was against it. I venture to think that most probably he was taken aback at the introduction of Section 33 and probably too he had no time to consider the effects of Section 33 or to consult his party about that section. And I do not believe that Mr. Paramesvaran Pillai would draw the inference that Mr. Paramesvaran was for, or did accept, Section 33.

Coming again to the analogy of review, I submit that these grounds are sufficient for the matter to be taken up even as on review. Apart from these, there is the fact that Mr. Subba Aiyar was proceeding on the assumption that the majority was in favour of Mr. Kumaran's party. I do not think he was quite sure of that. In fact he even stated that *perhaps* Mr. Paramesvaran's party was in a majority. Now Mr. Kumaran positively assures that the majority is on his side and Mr. Padmanabhan says with equal assurance that the majority is on his side. But this House, I daresay, will not decide the question of majority

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merely on the statement of two gentlemen, however noble and honest they may be. The question of majority and minority in a community of two lakhs cannot be decided merely on the sentiments of two gentlemen. The only record we can fall back upon for this purpose is the report of the Ezhava Law Committee and I venture to say that that report does not show that the majority of the *misradayee* Ezhava community was for *makkathayam* and individual partition.

An analysis of the number of the *misradayees* that gave evidence written or oral is given in Appendix VII. It will be seen from that Appendix that 337 *misradaya* people have given evidence whether *viva voce* or written. Of these, as many as 166 were against *makkathayam*.

MR. V. SUBBA AIYAR (*Nominated*) (*Deputy President*): Is it more than half? May I point out that 166 is less than half?

MR. KAYYALAM PARAMESVARAN PILLAI (*Ag. Additional Head Sirkar Vakil*): Yes, I see it is so. There is a deficit of only three to get a majority. Nevertheless, the presumption of majority against Mr. Paramesvaran's party is based on a deficit of three.

MR. K. I. JOSEPH (*Minachil* cum *Devicolam*): May I point out that he has far exceeded the time-limit especially in the light of the fact that he is dealing with side issues?

PRESIDENT: There is no time-limit now.

MR. KAYYALAM PARAMESVARAN PILLAI (*Ag. Additional Head Sirkar Vakil*): When a petition was read out here yesterday signed by about 350 persons, Mr. Kumaran was doubting the value of that and said that among two lakhs of people the 350 persons were but a drop in the ocean. If that is so, I may submit that the majority of the witnesses also may be considered to be but a drop in that ocean. And on that drop we are asked to say that the majority of the two lakhs are against *misradayam*. Is it a sufficient authority to pass a judgment upon?

MR. K. C. MAMMEN MAPPILLAI (*Commerce and Industry, North*): Is there not a difference as regards the persons examined before a committee?

MR. KAYYALAM PARAMESVARAN PILLAI (*Ag. Additional Head Sirkar Vakil*): That is a matter of opinion.

MR. K. SIVARAMA PANIKKAR (*Shertallai*): May I know how many, out of the 166, gave written evidence?

MR. KAYYALAM PARAMESVARAN PILLAI (*Ag. Additional Head Sirkar Vakil*): About twenty-five.

MR. K. SIVARAMA PANIKKAR (*Shertallai*): Has the Committee at any time stated that these written evidences could not be relied upon?

MR. KAYYALAM PARAMESVARAN PILLAI (*Ag. Additional Head Sirkar Vakil*): No, not in that way. On the other hand, they did accept them. Then again, coming to the partition question, the Committee's Report does not say that the majority of the *misradaya* Ezhavas examined are for individual partition. The analysis of evidence also does not show how many of the *misradayee* Ezhavas supported individual partition.

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MR. V. SUBBA AIYAR (*Nominated*) (*Deputy President*) : Does not the report show that only four were against partition?

MR. KAYYALAM PARAMESVARAN PILLAI (*Ag. Additional Head Sirkar Vakil*) : Yes.

MR. V. SUBBA AIYAR (*Nominated*) (*Deputy President*) : I suppose therefore that at least 333 supported partition.

MR. KAYYALAM PARAMESVARAN PILLAI (*Ag. Additional Head Sirkar Vakil*) : No; not the individual partition enacted by the Ezhava Regulation. For aught we know, all the 333 may have been for *thavazhi* partition.

MR. CHANGANACHERY K. PARAMESVARAN PILLAI (*Quilon*): May I draw his attention to paragraph 8 of the report where it is stated thus?

"But we should at the same time observe that these memoranda cannot be rated on the face value in arithmetical proportion to the number of signatures therein, in the absence of any guarantee that all the signatories really understood the statement purporting to have been signed by them, not to say anything as to their identity."

MR. KAYYALAM PARAMESVARAN PILLAI (*Ag. Additional Head Sirkar Vakil*) : Yes; I am obliged to my friend for drawing my attention to that. I may say at once that I am not for giving too much value to that statement. In public matters, if we are to proceed on anything, we have to take things at their face value, unless it be for weighty reasons. Mere surmises should not be ground for detraction. If we are to proceed on such criticism, how will the oral evidence stand? That evidence came in for scathing criticism in this House itself—I believe, at the hands of the late Mr. K. P. Raman Pillai. Are we to accept such criticisms and reject or discount the oral evidence? The written answers were sent in response to the questionnaire sent by the Committee. They also deserve consideration. In fact, the Committee itself did not recommend individual partition. The report also does not say that the majority of *misradayee* witnesses were for individual partition. It seems to me, therefore, that, viewed even as a review, there are sufficent grounds.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): May I know from Mr. Paramesvaran Pillai whether he is controverting the statement of Mr. Subba Aiyar, as the Government member then in charge, that there was a preponderance of opinion in favour of individual partition?

MR. KAYYALAM PARAMESVARAN PILLAI (*Ag. Additional Head Sirkar Vakil*) : That statement may or may not be correct as it stands. But what I say is that the documents do not show that the majority of the *misradayee* witnesses supported individual partition, that is to say, that the majority of the 337 supported individual partition.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): Is not Mr. Subba Aiyar's statement itself as good as a document?

MR. KAYYALAM PARAMESVARAN PILLAI (*Ag. Additional Head Sirkar Vakil*) : If he himself is of opinion that it should be so treated, I shall not demur. I hope he will speak on this motion.

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MR. V. SUBBA AIYAR (*Nominated*) (*Deputy President*) : I am being dragged into it, and I cannot but speak.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): May I know further whether he had gone through the original evidence of the witnesses collected by the Enquiry Committee?

MR. KAYYALAM PARAMESVARAN PILLAI (*Ag. Additional Head Sirkar Vakil*) : No, it is not open to me to go through them.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*) : May I know whether he has directly ascertained how many are in favour of individual partition?

MR. KAYYALAM PARAMESVARAN PILLAI (*Ag. Additional Head Sirkar Vakil*): I cannot ascertain, because the evidence is not open to me, and I may say once again that I am not speaking now on behalf of Government. I am speaking as an ordinary member of the House and I may say that those records are not open to me. I believe that all the objections that have been raised against the amending Bill have been dealt with by me. If the House feels I have met the objections, I hope that the members will at the time of the division vote for the Bill even though they might have spoken against it. Once again, before I close, I appeal to the House to consider that the only thing that has to be considered is whether it is Mr. Kumaran's party that should go forward and declare themselves into the Regulation or whether it is Mr. Padmanabhan's party who should go forward and declare themselves out of the Regulation. That there is a dissentient section, that that section is appreciable enough, that that section ought not be coerced but deserves protection are all conceded already by the Regulation. The only question now is, who it is that should undergo the personal trouble of going and registering. That and that alone is the question before the House. This House has got a sacred duty to perform. We are performing more or less a judicial function. All the members of this House do not belong to the Ezhava community. Most of the members are members of alien communities. Practically, therefore, they are sitting in judgment over the destinies of another community, and I therefore appeal to the House to use a judicial discretion in a dispassionate manner, purging their minds of all extraneous considerations that have gathered round the real issue in this House or outside. A sense of justice and fair play should dictate the House to accept the principle of the Bill.

MR. G. RAMAN MENON (*Mavelikara* cum *Kartikapalli*) : May I know which party is in the majority?

MR. KAYYALAM PARAMESVARAN PILLAI (*Ag. Additional Head Sirkar Vakil*): That is the difficult question, to answer which there are not sufficient materials. But as I said already, that need not be decided. It may be that Mr. Padmanabhan's party is in the minority or it may be that Mr. Kumaran's party is in the minority. That the minority is not to be coerced, is conceded by the existing Regulation itself by the enactment of Section 33. If some party is to register, which is the

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party that should do so, the party desiring the innovations or the party not desiring ?

MR. G. RAMAN MENON (*Mavelikara* cum *Kartikapalli*) : Why was not Mr. Paramesvaran's party active before the passing of the Regulation ?

MR. KAYYALAM PARAMESVARAN PILLAI (*Ag. Additional Head Sirkar Vakil*) : After the second reading, I believe, they have been very active. Before that, Section 33, which is now sought to be modified, did not exist at all, and so no activities could then be based on any such Section.

MR. G. RAMAN MENON (*Mavelikara* cum *Kartikapalli*) : Why did not some of the members of that party try to exclude themselves from the operation of the Regulation ?

MR. KAYYALAM PARAMESVARAN PILLAI (*Ag. Additional Head Sirkar Vakil*) : If they had done so, that would have been a tactical blunder. If some of them had applied for exemption from the operation of the Regulation that fact would itself have been raised against the party, and it would have been argued that, since they had begun the operation of registering, let them proceed and no amending Bill is necessary.

MR. G. RAMAN MENON (*Mavelikara* cum *Kartikapalli*) : Does it not show that they are not quite serious as regards the passing of the amending Bill ?

MR. KAYYALAM PARAMESVARAN PILLAI (*Ag. Additional Head Sirkar Vakil*) : No, not at all.

PRESIDENT : You cannot conduct a debate over this, Mr. Raman Menon.

MR. A. K. PILLAI (*Karunagapalli*) : I thought Mr. K. Parameswaran Pillai would not so soon forget his promise to answer one or two questions of mine.

MR. KAYYALAM PARAMESVARAN PILLAI (*Ag. Additional Head Sirkar Vakil*) : I am so sorry. If the member will kindly repeat his questions I shall answer them.

MR. A. K. PILLAI (*Karunagapalli*) : Would he tell me the consequence that is feared if the present Regulation stands as it is and the people did not come forward to register themselves out of the Regulation ?

MR. KAYYALAM PARAMESVARAN PILLAI (*Ag. Additional Head Sirkar Vakil*) : Many people would, after the expiry of the period of six months be converted into *makkathayees* and individual partitionists, without probably even their knowing that they had become so. As Mr. Ranga swami Aiyangar said, all the people cannot be expected to know that law has been already passed. If all these people are obliged to become *makkathayees* and individual partitionists without even their being aware of it, is it right ?

MR. A. K. PILLAI (*Karunagapalli*) : What is the concrete injury ? Does Mr. Paramesvaran Pillai think that they will feel aggrieved if a the property goes to their children ?

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MR. KAYYALAM PARAMESVARAN PILLAI (*Ag. Additional Head Sirkar Vakil*): Yes. But as I already said, the point of the grievance is not that children are benefited, but that the *tarwad* or *thavazhi* is not allowed to get any portion of a man's acquisitions. Their position is that the *tarwad* should be maintained and that a portion of a man's self acquisition should go to the sustenance of the *tarwad*. It is not that they love their children less. They do love their children exceedingly well, but they also want to see that something goes to their mother and sisters, *i. e.* to say, the *tarwad*, so that a haven of refuge may continue to exist for the helpless womenfolk.

MR. A. K. PILLAI (*Karunagapalli*): But does not the provision relate only to intestate property which the owner, if he chose, could have disposed of in any manner he liked ?

MR. KAYYALAM PARAMESVARAN PILLAI (*Ag. Additional Head Sirkar Vakil*): If that is so, why pass a law for *makkathayam* at all ? Leave everybody as *misradayees* and they who want everything to go to children may be left to achieve it by executing a will. Why pass a law for it ?

MR. A. K. PILLAI (*Karunagapalli*): May I know further if the Regulation as it stands is not in general line with the sentiments obtaining among the *misradayees* much more than those obtaining among the *marumakkathayees* ?

MR. KAYYALAM PARAMESVARAN PILLAI (*Ag. Additional Head Sirkar Vakil*): Such a comparison is not possible. The *misradayees* love their *tarwad*. Probably the *marumakkathayees* hate their system as nothing goes to children and they want to get out of it. Among *misradayees*, more than half of a man's property goes to his children and they do not therefore hate their system.

MR. A. K. PILLAI (*Karunagapalli*): Does Mr. Paramesvaran Pillai really think that the Regulation as it stands at present bars their way in their progressive direction ?

MR. KAYYALAM PARAMESVARAN PILLAI (*Ag. Additional Head Sirkar Vakil*): That is the view of the *misradayees*. As the Regulation stands, the *tarwad* is not allowed to grow or even to exist. Which is the direction of progress is a matter of opinion. Probably Mr. A. K. Pillai thinks, progress lies in the direction of destroying the *tarwad*. Others may not think so. They may want some of their property to go to the mother and sisters also.

MR. A. K. PILLAI (*Karunagapalli*): I am asking the question in which view of the progressive direction does a *misradayee* think himself a *makkathayee*.

MR. KAYYALAM PARAMESVARAN PILLAI (*Ag. Additional Head Sirkar Vakil*): A *misradayee* cannot think himself as a *makkathayee*. He does not want to turn a *makkathayee*. According to him, conversion into a *makkathayee* is not progressive change.

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I shall wind up by saying —

MR. K. K. THOMAS (*Kottayam*): May I take it that the objection is mostly on the partition question?

MR. KAYYALAM PARAMESVARAN PILLAI (*Ag. Additional Head Sirkar Vakil*): Yes. Primarily and fundamentally. So far as I have been able to understand the situation, the first objection is to individual partition. The objection to *makkathayam* comes in because according to the Regulation no property is given for the sustenance of the *tarwad*, the *tarwad* which is thought to be a haven of refuge for the helpless womenfolk.

One word more. Mr. A. K. Pillai was suggesting whether it was not in the line of progress to see that the entire property of a man goes to his children. Let me instance the Mahomedans. I believe that everybody will accept that the Mahomedans are essentially a *makkathayam* community. But, is not a share given to the mother and sisters? Is that taken to hamper the progress of Mahomedans? If it is not, why should *misradayam* be taken to block the way of progress?

MR. A. K. PILLAI (*Karunagapalli*): May I point out that I was not putting a question on an abstract basis and that it was in relation to what is existing now in regard to *marumakkathayees*? I thought they were desiring the direction of becoming *makkathayees* and I also asked whether this present Regulation as it stands does bar their way in that direction.

MR. KAYYALAM PARAMESVARAN PILLAI (*Ag. Additional Head Sirkar Vakil*): The *marumakkathayees* are not yet known to consider so. But so far as *misradayees* are concerned, the present Regulation is a block to progress according to Mr. Padmanabhan's party. That is their attitude. I think that that should not be taken as an unnatural attitude, merely because he does not desire to see that the entire property of his should go to the children. It is because of that I quoted the instance of the Mahomedans. Simply because the Mahomedan allows a definite share to go to his mother and sister, do you consider that system an unnatural one?

I conclude by reiterating that the measure before the House is one that ought to be accepted both on principles of justice and expediency, and appeal to the House to consider only the real issue involved in the Bill and not to be led away by irrelevant considerations.

MR. S. C. H. ROBINSON (*Land Revenue and Income Tax Commissioner*): When I came to-day to attend the discussion on this Bill, my original idea was not to vote at all, because I feel that it is a dangerous thing when people of one community try to legislate on the laws of inheritance and marriage customs wanted by another community. Well, in any case, a lot of arguments which have been gone into during the last seven years have been discussed again. The discussion of seven years and every possible bit of evidence have been brought out. I do not think it is necessary now to discuss the question of whether the majority or the minority want *marumakkathayam* or *makkathayam*. That is not the

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[Mr. S. C. H. Robinson.]

question which concerns us now. The present request for this amendment is more in the nature of a review or revision on the decision come to by this Council. This Council tried to frame an act which would give satisfaction to all the members of the Ezhava community. In framing Section 33, the Council provided a *via media* to those who did not want to come into it. In giving that *via media*, we have to see whether we resorted to a correct legislation. We do not want to go into any other side issues. It seems to me that what Mr. Paramesvaran Pillai brought out is what we should have done. That is, we should have thrown the burden or the duty of obtaining a change on those who wanted it. I may put the matter more clearly to my Christian friends in this House. Supposing there is a family of seven brothers who are all Christians, and five of them decided to alienate their religion and become Mahomedans. Is it the duty of these five, who forsake their religion, to say "in one month's time or six months' time the whole family will become Mahomedans? If you want to remain Christians, you should get rebaptised," or is it the duty of these five brothers to go and say "we want to be Mahomedans, we will do so, but you will remain as you are." What we are now doing is we are trying to make a section of the *misradayees* who wanted to continue under the same customs that were prevailing for a very long time to go to a Sub-Registrar's Office and declare that they do not want to be included in the Act because the majority of them want a new order of things. I do not mind whether it is the majority or the minority who want the change. The point is that you should not put the duty on the wrong party, may they be the majority or may they be the minority. I may again point out that, supposing seven Hindu brothers wanted to alienate the family and five of them become Christians, is it the duty of the two who want to remain as Hindus to go to a Sub-Registrar's Office and declare that? That, I think, is the decision we have to come to in this present discussion. It is no good arguing as to which is the majority and which is the minority, and which would cause the most unanimity in the community. I think that all these points are irrelevant. The one point to be considered is as to who should take the responsibility of going to the Sub-Registrar's Office.

MR. K. C. MAMMEN MAPPILLAI (*Commerce and Industry, North*): Has any change been made in the existing social customs by a legislature and whenever there has been any change made in the social customs, has there not been—

PRESIDENT: Since Mr. Robinson has resumed his seat, you cannot ask him a question.

MR. S. C. H. ROBINSON (*Land Revenue and Income Tax Commissioner*): I have not yet resumed my seat.

MR. K. C. MAMMEN MAPPILLAI (*Commerce and Industry, North*): May I know whether Mr. Robinson is aware of any legislature providing a change in the existing customs because the preponderating majority desired it and whenever such changes were brought about on account of the desire of the majority, has the principle which Mr. Robinson enunciates been kept in view by the Council or by the authorities?

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MR. S. C. H. ROBINSON (*Land Revenue and Income Tax Commissioner*): That is just my contention. The majority wanted a change and they have it. We did our best under Section 33 to protect the other party who did not want the change. But in trying to give them a *via media*, it should be said that those who want the change should go to the Registrar's Office. That duty should not be put on the people who want to remain in their old condition.

MR. V. SUBBA AIYAR (*Nominated*) (*Deputy President*): Sir, when the Bill came on for discussion, it was my idea to remain neutral for the main reason that, having taken a very active part in the passing of the existing Regulation, I did not want to say anything but to leave it entirely to the House to come to a new judgment if they are inclined to do so. It was also for the reason that my house was bombarded and besieged by the adherents of both the parties so much so that I thought I would rather be left alone than trouble myself about this piece of legislation.

But unfortunately my name has been dragged in not only by Mr. Padmanabhan but also by Mr. Parameswaran Pillai. Therefore I have to defend myself, my action and the advice that I gave to Government then. I think I owe a duty to this House and that I should not record a silent vote but should express my views, as clearly and definitely as possible and to state the policy that ought to guide the Government in such matters.

If Mr. Rangaswami Aiyangar or Mr. Robinson had supported this Bill, I would not have risen at all. But I find the support proceeding from Mr. Kayyalam Parameswaran Pillai, a member who occupies the seat which I occupied on the other side. Whatever is said by him may be taken to be the view of Government as the public may not dissociate him from his Law Membership. Though therefore Mr. Parameswaran Pillai may be speaking in his individual capacity, the public are likely to take his assurance with a grain of salt especially in view of the observations from the Chair yesterday.

PRESIDENT: Mr. Subba Aiyar is labouring under a misapprehension. Mr. Kayyalam Paramesvaran Pillai is not speaking on behalf of the Government and he does not represent the view of the Government and I as representing the Government say that he is speaking for himself.

MR. V. SUBBA AIYAR (*Nominated*) (*Deputy President*): I am much obliged to the Chair for the explanation. People do not always see things in the abstract. In the worship of God it is not possible to worship Him without conceiving Him through a particular image. That principle may actuate or guide the public and lead them to infer that Mr. Parameswaran Pillai represents Government. Now I am particularly gratified to hear the assurance from the Chair that that view does not represent the views of the Government. I have no doubt that the public will also be disillusioned from the fact that Mr. Kayyalam Parameswaran Pillai represents the Government in the matter and that he is merely advocating the cause of the supporters of the Bill.

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[Mr. V. Subba Aiyar.]

Sir, proceeding to the subject matter, when Mr. Parameswaran Pillai was speaking, I doubted whether I was in Travancore or in British India and whether I was not taken in a balloon somewhere beyond the seas where I am not prepared to travel at this old age of my life. (*Laughter.*) Therefore, I was wondering whether he was enunciating a policy to Travancore or to any other place. We in Travancore have been following a definite policy and I may say 'precedents' play a prominent part here and that policy, I believe, will be kept in view and maintained by Government in matters of social legislation. (*Hear, hear.*)

We know that the *marumakkathayam* communities in Travancore have no *smrithis* propounding the law they are governed by. We have not in Travancore canon laws as in the case of Latin Christians, laying down the *marumakkathayam* law. We have not got the sources similar to those of the Mahomedan law guiding that community. We have only the judge-made law which may at times vary. Therefore it is always difficult to know what the law of a particular community is. Before passing on to illustrate what I have stated, I may observe that the members of the community are unfortunately wasting their powder and shot over a trifling matter which they could otherwise make better use of. (*Hear, hear.*) With reference to this community, the courts have decided that a wife cannot marry another husband unless the first marriage is dissolved; otherwise it will be bigamy. If however a wife is seduced at midnight from her bedchamber by a paramour, the moment she leaves her chamber she divorces her former husband and it has therefore been held that the paramour is not guilty of any offence. That is the ruling of the High Court so far as the Ezhava community is concerned. Therefore I ask where is the law which is consistent from which the community can say what their system of marriage is. *Marumakkathayam* communities, be it Nayar or any other community, have always been making representations to Government that there should be some law to regulate their marriage and divorce, their intestate succession and their right to partition. The communities began to agitate from the first session of the Sri Mulam Popular Assembly for years together and Government, after being satisfied that there was reasonableness in their representations, took upon themselves the duty to legislate. In doing so, they appointed committees to record evidence and to formulate proposals. The proposals of the committees were published and discussed and ultimately became law. That was so in the case of the Nayars and Ezhavas. Mr. Paramesvaran Pillai has favoured a theory which I think is more suitable to Utopia than to Travancore. He says that, unless we are in a position to legislate for a community with their unanimous assent, we shall not be justified in doing so. I say, if such a theory was propounded, it will be a prohibition against all legislation. It is impossible to expect unanimity of opinion not only in Travancore but in the whole of the world on any piece of legislation. Therefore if we are to legislate by unanimity of opinion, I say it is not possible..... ...

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RAO BAHADUR K. V. RANGASWAMI AIYANGAR (*Principal, College of Arts*): May I take it from Mr. Subba Aiyar that he believes he is correct in saying that all legislation by us is only compulsory legislation and is not enabling legislation ?

MR. V. SUBBA AIYAR (*Nominated*) (*Deputy President*): I will explain that. In any matter of legislation, be it compulsory or otherwise, it is impossible to get unanimity of opinion. I am only making a general statement that legislation by unanimity of opinion of a community is out of the question.

The next question is, in a matter of social legislation, is it or is it not desirable to have a permissive legislation by asking the pro-changers to register into the Regulation ? I think that may be a sound principle if viewed in the abstract. But when we lay down that principle, we are not within the range of practical politics. Sir, I have to cite the instance of Sir Sankaran Nayar's Marriage Act which was enacted after a good deal of trouble. It declares the validity of *sambandham* of a Nayar male with a Nayar female as a valid marriage for all purposes and inheritance follows such marriage. It regulates the marriage with a Nayar lady in a Nayar household. It is a permissive piece of legislation. May I ask Mr. Paramesvaran Pillai to tell me how many marriages were registered in accordance with that Act? I believe that not more than a dozen or two marriages have been registered though the Act has been in existence for over 20 or 25 years. My point is, if we make a permissive legislation, it may not be for the benefit of the community as a whole.

MR. KAYYALAM PARAMESVARAN PILLAI (*Ag. Additional Head Sirkar Vakil*): Does Mr. Subba Aiyar mean to say that there is no inference that it is unpopular ?

MR. V. SUBBA AIYAR (*Nominated*) (*Deputy President*): Please wait for my next sentence. When the Nayars are for regarding *sambandham* as a valid marriage binding on both parties and the children are bred up, maintained and educated by a Malabar Nayar as children of a *makkathayam* community, it cannot be stated that a Malabar Nayar is indifferent to the recognition of the marriage. It is not a case in which one is against the recognition of marriage or the validity of marriage. It illustrates that a permissive legislation will be of no use in Travancore. I ask what is it after all that a Nayar or an Ezhava wants so far as Travancore is concerned. He says here is my system of marriage which is not recognised. Here is the system of inheritence followed among the community which is not suitable to modern times, a system which does not confer upon the children for whom he is responsible, any right if he dies intestate. The existing custom was unnatural in the extreme and unsuitable to modern conditions. Realising the fact that the community was labouring under a great disadvantage, the Government wanted to know how a piece of legislation could be enacted for the community. With that object in view, an Enquiry Committee was appointed and evidence large in volume was recorded and a

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[Mr. V. Subba Aiyar.]

Bill was drafted by them. If such a piece of legislation as propounded by my learned friends Messrs. Rangaswami Aiyangar and Paramesvaran Pillai were to be permissive, such an investigation is unnecessary. If representations are made by some members in some sessions of the Assembly, a permissive law may be passed on the lines suggested by them without any elaborate enquiry. It is enough to say that it is open to any member to accept it or not. It is not a permissive piece of legislation which the Law Committee submitted and they had overwhelming evidence in favour of it. (*Hear, hear.*)

MR. KAYYALAM PARAMESVARAN PILLAI (*Ag. Additional Head Sirkar Vakil*): There must be some justification for undertaking legislation.

MR. V. SUBBA AIYAR (*Nominated*) (*Deputy President*): What does it matter? It is only a piece of permissive legislation.

MR. KAYYALAM PARAMESVARAN PILLAI (*Ag. Additional Head Sirkar Vakil*): Does the member mean to say that, if two people apply to Government for a law, there will be sufficient justification for their undertaking a permissive legislation?

MR. V. SUBBA AIYAR (*Nominated*) (*Deputy President*): Yes, for it will harm nobody. But a Committee was appointed to conduct an investigation on the representations made by the members of the Assembly. The Committee took evidence and submitted a Bill along with its report.

RAO BAHADUR K. V. RANGASWAMI AIYANGAR (*Principal, College of Arts*): Will the Deputy President state categorically whether the demand was for placing on the statute book an accurate record of the customs prevailing in the community or to introduce a number of reforms which some of the members of the community protested against?

MR. V. SUBBA AIYAR (*Nominated*) (*Deputy President*): It was not the object to know the existing custom only but to know what reforms may be safely introduced. We know as a matter of fact that, in the case of the Ezhava community, so far as North Travancore is concerned, the prevailing custom was only *marumakkathayam*. What the agitators of the Nayar Regulation then wanted was an improvement upon the existing custom, namely, that they wanted one-half of the property should be given to wife and children and the other half to the *tarwad*. Does Mr. Rangaswami Aiyangar or Mr. Kayyalam Paramesvaran Pillai think that the Nayars will be satisfied with a piece of legislation if the Regulation of 1088 were passed as permissive instead of compulsory? Therefore what I say is that we are here not living in a place where it is impossible to know the general public opinion. Travancore is a very small State and Government are in a position to know the social customs and manners of the people and the advance that will be suitable to them. After taking note of all these circumstances, the Government recognised that a particular form of law was necessary. The Committee appointed drafted a Bill and Government accepted it. It was introduced as a

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matter of course on behalf of Government and on the particular lines, recommended by the Committee. Here we are dealing with six lakhs of people living in a small area. We can travel throughout the country in a day. I could understand the objection of friends Messrs. Rangaswami Aiyangar and Paramesvaran Pillai if the majority are allowed to coerce the minority by the existing Regulation. There is nothing of the kind here.

RAO BAHADUR K. V. RANGASWAMI AIYANGAR (*Principal, College of Arts*): May I know from the Deputy President what else is being attempted here except coercion?

MR. V. SUBBA AIYAR (*Nominated*) (*Deputy President*): If my friend will think over it, he will find that all Bills will perpetuate nothing but it. I will come to that point at a later stage. Coercion is not of any importance for the reason that, while we are making a law binding on the majority, we make a provision for the minority to go out of it. The question whether one should register into or register out of a Regulation is one of expediency. Is it for the minority to go out or for the majority to go into a law? A law passed for the benefit of a particular community must satisfy their legitimate aspirations and enable them to make some advance in the social scale. That is the principle on which these Regulations have been passed. I am sorry that my friend Mr. Paramesvaran Pillai should have propounded a procedure that ought to guide hereafter in the matter of social legislation. If that principle is accepted, we should realise that the Christian Succession Regulation will have to be repealed because a Christian may come and say that he was not willing to be a party to it and that it was not passed by the unanimous opinion of the community concerned. I ask, is it not open to me as a non-Nayar, so far as I am concerned, to say that Section 22 of the Nayar Regulation should be repealed particularly when there was a strong opposition by non-Nayars, at the time when it was passed? Seeing that the policy of Government was enunciated so early as 1088 on passing the Nayar Regulation, are we to throw that policy overboard and say that all such legislation should be permissive? If we allow this Bill, we will be leaving the door wide open to persons to say that every piece of legislation should be repealed. I shudder at the thought that such a contingency should ever happen to any community in Travancore. I say, when once a matter is set at rest, there should not be any room for an agitation of this kind. That is the view which I have on this matter. I am satisfied to learn that Mr. Paramesvaran Pillai expressed his own individual view and not that of Government. I take it that his view is more that of an advocate of a forlorn cause than as a Law Member. As an advocate he has put the case for the Bill in the best light possible. May I hope that, when he is asked to advise on similar legislation, he will not allow his view as an advocate to prevail but advise a course of consistent policy which has been found beneficial to all communities?

I may also say that my friend Mr. Kayyalam Paramesvaran Pillai has been labouring under a misapprehension when he said that this

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[Mr. V. Subba Aiyar.]

Section 33 was suddenly put to the Council without anybody knowing what it was, as Mr. Subrahmanya Pillai of Vaikam said the other day, and therefore, Section 33 should not be a part of the law.

The Council adjourned for lunch at 2-24 P. M. and re-assembled at 3-4 P. M.

MR. V. SUBBA AIYAR (*Nominated*) (*Deputy President*): Sir, what I have been saying all along was intended only to show that there should be no misapprehension in the minds of the public that there is an idea on the part of Government to lay down a new policy. You, Sir, said yesterday that when members interpellated the Chief Secretary to Government and the Law Member that the Chief Secretary was not here and the Law Member was not here. All that went to show that nobody representing Government in this matter was present in this Council and that everybody was at liberty to express his own view and that what was expressed by the official members will not bind the Government. I wanted to emphasise the fact that a reversal of policy was far from the minds of Government. Sir, let me go into the history of this piece of legislation—I daresay this House will permit me to say a few words on that point because most of the members are new, though I am sure they would have read the proceedings of this Council. The Ezhava members of the community were agitating for a long time for a piece of legislation and a Committee was appointed by Government to go into the whole question. I was appointed the President of the Committee. The Ezhava members insisted that a law based upon the opinion of the members about the habits and customs of the people and the judge-made law affecting the community will not satisfy them but that the law should be framed on the views of the community as was done in the case of the Nayars and the Christians. Therefore they agitated again that they should have a fresh Committee to travel throughout the State and take evidence, and when that Committee was appointed, I was not in a position to travel throughout the State to take evidence and therefore Mr. Bhutalingam Aiyar was appointed as President of that enlarged Committee. That Committee submitted a unanimous Report and Government accepted the same. The Bill was framed in pursuance of that Report and ultimately introduced into this Council. Some say that what appeared at the final stage was not in the Committee's Report or in the Report of the Select Committee. I daresay it is an everyday practice in legislation that a Bill as drafted never passes into law. It requires various modifications and the very existence of this House is to make modifications. Every individual member makes criticisms over various points and the Select Committee is bound to consider them. It was in that view that modifications were made and amendments had to be made in the Bill. I may say, so far as this Bill is concerned, there is not a single Clause which was not subjected to a close consideration by the House. For, I daresay, every member who watched the proceedings or the members

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who read the proceedings will see that there was not a single Clause for which amendments were not sent up. That shows that every clause without exception was scrutinised by the House from the beginning to the end. I may say that, so far as the non-Ezhava members of this Council were concerned, they took scrupulous care to see that the sentiments and wishes of the community are expressed in this Bill and it was in that view that the Bill was passed.

I have to explain before the House the questions which are now under discussion and they relate to intestate succession and partition. The Clause which relates to intestate succession is Clause 15 in the original Bill. Mr. Paramesvaran, who was the predecessor of Mr. R. Padmanabhan and who is a personal friend of mine and for whom I have particular regard, did bring an amendment to the effect that one-half of the property should go to the widow and children and the other half to the *tarwad*. That amendment was discussed at a very considerable length and thrown out. My friend Mr. K. P. Nilakanta Pillai was under the impression that the Government moved it as a Government measure and that the Government did not allow absolute freedom to vote. It is not a fact and every official could have voted as he liked. I am proud to say that Mr. K. V. Rangaswami Aiyangar took advantage of this and did oppose that particular clause in accordance with the views of Mr. Paramesvaran. I must express my feelings of gratitude to Mr. Rangaswami Aiyangar as it ultimately led me to propose an amendment to Section 33 which was passed. It was sufficiently well criticised and I may in this connection read to the House the amendment which Mr. Rangaswami Aiyangar proposed when the Clause was discussed :—

"(2) Notwithstanding anything contained in sub-section (1), any Ezhava *tarwad* wishing to exclude itself from the operation of sub-section (1) may, within six months from the date of passing of the Regulation, notify its intention by registering its name in the Office of the Peishkar of the Division in which the *tarwad* is situate."

There are also sub-clauses similar to those in Section 33. The idea in the amendment was his ; but the drafting of the amendment is mine. But unfortunately the amendment was lost. In speaking on that amendment he said :—

"There is a section of the *misradaya* community which only asked to be allowed to follow its traditional usages. There is, on the other hand, the Section which will be benefited by the present Section. There are also two other branches of the Ezhavas. It is an anomaly to force into the dissenters the section of Ezhavas which wants the existing system. In all such cases it should be the duty of those who desire a change to register their name. But this is impracticable in view of the smallness of the *misravazhi* community as compared to the body of Ezhavas which wants the reform."

Of course this is in accordance with the view that I just now expressed. Further he says :—

"I am reminded of my old feeling in learning Sanskrit grammar where the exceptions were so numerous that I often used to feel that it

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would be easier to get up the exceptions as the rule and the rule as the exception. Similarly, consider that the *misravazhi* community is numerically inferior even taken as a whole, and that very nearly one-half of this community is in favour of accepting the measure proposed in Section 15. It will then be seen that the inconvenience may be accepted by individuals of the smaller body rather than by a blank refusal to register their families, the community being obliged to swallow the whole of what is implied in Clause 15."

As a matter of fact, all that he said was that no minority should be coerced into a piece of legislation but as a matter of practical politics he said that the minority should be asked to go out of it rather than ask the majority.

This is just what was done when the Bill was finally accepted. Evidently, my friend forgot that part of it when he spoke yesterday.

RAO BAHADUR K. V. RANGASWAMI AIYANGAR (*Principal, College of Arts*): May I know from Mr. Subba Aiyar whether I said anything inconsistent with this position yesterday? May I remind Mr. Subba Aiyar that what I asked for yesterday was for the consideration of this Bill in a Select Committee, and that I definitely said I would not then commit myself to any opinion in regard to the special provision made here?

MR. V. SUBBA AIYAR (*Nominated*) (*Deputy President*): Probably it may be so. I may not have understood him correctly. Perhaps I do not remember all that was said. I may be wrong, perhaps. If so I beg pardon.

RAO BAHADUR K. V. RANGASWAMI AIYANGAR (*Principal, College of Arts*): May I say that I did not speak anything like that?

MR. V. SUBBA AIYAR (*Nominated*) (*Deputy President*): I do not remember well. Perhaps he might not have said.

MR. K. SIVARAMA PANIKKAR (*Shertallai*): May I ask whether Mr. Rangaswami Aiyangar committed himself to any particular opinion when he spoke yesterday?

MR. V. SUBBA AIYAR (*Nominated*) (*Deputy President*): That is a matter of opinion. And it is not for me to answer. When the Bill was finally passed, it was done after carefully considering Clause 15.

Then we come to partition. I am confining myself to intestate succession and partition, because they only are the subject matter of discussion now and because Mr. Paramesvaran moved, when the clauses relating to intestate succession and partition came up for consideration then, that the *misravazhi* Ezhavas should be exempted. When he found that it was not possible to carry his motion he expressed some other wish. But we were not able to know what exactly he wanted. No doubt he introduced an amendment of the kind which Mr. Kayyalam Paramesvaran Pillai suggested to-day but when ultimately he began to speak he spoke on some other matter and therein expressed what exactly he wanted. He wanted the *misravazhi* people to be entirely exempted. That was our idea. But we found from his speech that he did not want that. This is what he says:

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"വേറെ അമെൻറുമെൻറ് ഇപ്പോൾ കൊണ്ടുവരാം. ഇതിൽ വിശ്വാസമില്ലാത്ത മിശ്രുടയെവഴിക്കാരും ഇപ്പോഴത്തെ നിയമത്തിൽ സംബന്ധിക്കാൻ മനസ്സില്ലാത്തവരും തന്നത്താൻ ഒഴിഞ്ഞു പോകുക എന്നാണ് ഞാൻ മനസ്സിലാക്കീട്ടുള്ളത്. ഇപ്പോഴത്തെ നിയമത്തിൽ സംബന്ധിക്കാൻ മനസ്സില്ലാത്തവർ ഒഴിഞ്ഞുപോകണം."

So that, that was what he wanted. Those who are not in favour of the Bill should get out of it, that was his request. Then the Deputy President who presided on that occasion said that his amendment did not seem to convey exactly all that he wanted. Then Mr. Paramesvaran begged leave to withdraw the amendment on the understanding that I was moving an amendment to Section 33.

The introduction of the amendment to Section 33 has a history to be told.

MR. R. PADMANABHAN (*Nominated*): Does Mr. Subba Aiyar mean to say that what was moved by Mr. Paramesvaran will bind all the people?

MR. V. SUBBA AIYAR (*Nominated*) (*Deputy President*): We are not bound by anything except what is passed by this House. For a legislation passed by this House is passed by a majority of this House, each member representing the view that he advocates. If the House is to begin examining and ascertaining the view of the majority of a community instead of leaving it to an enquiry committee, it will be impossible for us to get on. In the old Council the matter was discussed in the Select Committee. Some representations were made to the Select Committee by the opposition.

MR. KAYYALAM PARAMESVARAN PILLAI (*Ag. Additional Head Sirkar Vakil*): May I ask Mr. Subba Aiyar if he thinks that Mr. Paramesvaran's view was that those who wanted exemption from that measure should register themselves out of the Bill?

MR. V. SUBBA AIYAR (*Nominated*) (*Deputy President*): I understood like that.

MR. KAYYALAM PARAMESVARAN PILLAI (*Ag. Additional Head Sirkar Vakil*): But this is what he added to what Mr. Subba Aiyar read just now:—

"എല്ലാവരും ഏതുവിധം പറഞ്ഞു എന്നെനിക്കു മനസ്സിലായില്ല. അതുകൊണ്ടു എന്റെ അഭിപ്രായത്തെ ഞാൻ പറയുന്നു. എന്റെ അപേക്ഷ മിശ്രുടയെക്കാരെ ഒഴിച്ചുവിടണമെന്നാണ്. ഈ ബില്ലിൽ ഞങ്ങൾക്കെല്ലാം പക്ഷമുണ്ടോ അവരെല്ലാം ചേർന്നുകൊള്ളണം എന്നും അല്ലാത്തവർ പോകണമെന്നുമാണ് എന്റെ അഭിപ്രായം."

MR. V. SUBBA AIYAR (*Nominated*) (*Deputy President*): The thing is that he finally withdrew the amendment on the understanding that an amending clause will be introduced by me. Anyhow that was what he had in mind then. That apart, when the Select Committee reported on the Bill, it had to be considered by the Council before two sessions were over.

RAO BAHADUR K. V. RANGASWAMI AIYANGAR (*Principal, College of Arts*): May I ask the learned Deputy President, before he proceeds to elaborate his next point, to recall to his mind, beyond what is reported here as having taken place in this Council, what actually happened in an

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informal way when Mr. Paramesvaran asked leave to consider an amendment? Will Mr. Subba Aiyar recollect that, after my having submitted an amendment, one of those informal arrangements, which is permitted by this House, took place? Will Mr. Subba Aiyar say whether Mr. Paramesvaran did not protest as strongly as possible and assert that it was the idea of his party to withdraw from the Bill?

MR. V. SUBBA AIYAR (*Nominated*) (*Deputy Presdient*): It is not possible for me to remember all that took place when Clause 15 was discussed and Mr. Rangaswami Aiyangar spoke. On that Mr. Parameśvaran said that he did not want that amendment and then when he was told that the amendment had to be introduced into the Council, Mr. Paramesvaran said that he wanted time so that he may know the sense of the members of this House. There was an opposition by him that the Bill ought to be referred back to a Select Committee or at any rate deferred until the Nayar Regulation was passed. Even though the second reading was over, the third reading was delayed and the Nayar Regulation and the Ezhava Regulation were passed together at the same meeting. Further I beg to say that the Bill was under consideration for very many years. I am not ignorant of the fact, and I do not neglect it, that at that time there was a good deal of agitation conducted on these two sections. I expressed my gratitude to Mr. Rangaswami Aiyangar, for his amendment opened my eyes and I moved an amendment to Section 33. Therefore I say, so far as these two points were concerned, there was a good deal of discussion. With reference to the question of partition, if I remember right, there was absolutely no objection to partition at all. As Mr. Kumaran pointed out, out of 805 witnesses all except four were for partition, that is, 801 were for *thavazhi* or individual partition. Anyhow, I think Mr. Paramesvaran's position is not that he opposed partition but that he wanted an amendment to the effect that partition should not be effected during the life-time of a *karanavan*. That was the point that we considered. That objection was repelled by the Council on the ground that it would not be possible to effect any partition at all during anybody's life-time. For example, if there is a family with a brother and a sister, the *karanavan* would say that during the life-time of the *karanavan* no partition should be effected. When the brother dies and the sister also, leaving a son and a daughter, then also partition could not be effected for there may always be a common *karanavan*. Therefore practically speaking there will be no partition and for this reason it was given up by the Select Committee. If, during the life-time of the *karanavan*, partition can be claimed, the *karanavan* may be prejudiced if he is not allowed to claim a share. Hence the provision in the present Regulation. The *tharazhi* alone could claim a share and there is nobody entitled to claim individual partition, excepting the *karanavan* or the issueless female member. The number of individuals will have to be taken into account for ascertaining the share of the *thavazhi*. If all the members of the *tarwad* do not claim it, if there is

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one member objecting to it, then I do not see where the principle of individual partition comes in. I am speaking so much about this matter because I find now that the objection is not so much with reference to intestate succession as to partition. This is objected to evidently because *karanavans* have to vacate. And there will be some difficulty when the provision is put to actual practice. What I say is that the real objection should be with reference to intestate succession, because it is that which takes away the right of the nephew, and the objection should not be with reference to partition. Even with reference to intestate succession, Mr. Paramesvaran moved an amendment but the House did not accept that. Therefore I say that, when Clause 33 was passed, he did not raise any objection. But I do not want the House to presume from that that there was no objection at all. For he said in so many other places that the *misradayees* should be exempted. Therefore Clause 33 was put in after a good deal of discussion and after the members had discussed it informally among themselves. Every demonstration that took place then took place on a grander and greater scale than what we see now. Therefore when Mr. Rangaswami Aiyangar pointed out the fact that we will be coercing the minority if some provision is not made for enabling the minority to get out of it, Section 33 was passed. Now going to Section 33, I must say that it is far more liberal than the present Bill. I have not the slightest doubt to say that the present Bill is clearly retrograde and reactionary in character and illiberal, whereas the existing Section of the Regulation is more liberal. What is it that we have done, if any particular person does not want that his children should get the whole of his property? He has only to put in a petition, singly, unaided, and without the knowledge of the other members of the *tarwad*. It is open to him to put in a petition individually saying whether he wants to be a *makkathayee* or continue a *misradayee* Ezhava. I do not know whether there is any difficulty for him to observe that formality. As I said, they are wasting a good deal of powder and shot on unnecessary matters in canvassing votes for this Bill. Instead of doing that, they might go from place to place and say to the people, "Here is a Bill which will make you a *makkathayee*. Those of you who are not inclined to follow it may put in a petition to the Peishkar." I believe a great deal of trouble may be taken to organise a set of volunteers to educate the public as to what it is that has been done by the new Bill.

RAO BAHADUR K. V. RANGASWAMI AIYANGAR (*Principal, College of Arts*): May I ask whether the formality stops with merely notifying the Peishkar and whether the Peishkar is not entitled to institute such enquiries as he deems necessary?

MR. V. SUBBA AIYAR (*Nominated*) (*Deputy President*): As to the genuineness of the document.

RAO BAHADUR K. V. RANGASWAMI AIYANGAR (*Principal, College of Arts*): May I ask the learned Deputy President whether the Peishkar cannot ask them to come and depose before him and make such enquiries as he finds necessary? Will that be or will that not be within the powers of the Peishkar?

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MR. V. SUBBA AIYAR (*Nominated*) (*Deputy President*): He can make such enquiry with reference to the genuineness of it. He cannot consider anything else.

RAO BAHADUR K. V. RANGASWAMI AIYANGAR (*Principal, College of Arts*): May I ask the learned Deputy President, not to go into the motive of the Section, but to say whether the Peishkar, who has not had the advantage of learning the early history of the Bill, will not be entitled to exercise his freedom to impose any enquiry that he finds necessary to satisfy himself ?

MR. V. SUBBA AIYAR (*Nominated*) (*Deputy President*): I will read the Section; I do not think as a lawyer I will be justified in giving an answer without perusing the Section. This is the Section :

"the Government may, after making such enquiry as may be necessary and on being satisfied as to the truth of the application, exempt by a notification in the Government Gazette such individual member or *tarwad* as the case may be, from the operation of the said provisions of this Regulation.

(2) On an application made by
(i) the individual member, or
(ii) a majority of the adult members of the *tarwad*,
exempted under sub-section (1), the Government may, after making such enquiry as may be necessary and on being satisfied as to the truth of the application, revoke such exemption by a notification in the Government Gazette."

So that the enquiry has to be directed towards ascertaining the genuineness of the petition. I do not think the enquiry of the Peishkar can go any further. If so, the Peishkar will be going against the provisions of the Regulation.

RAO BAHADUR K. V. RANGASWAMI AIYANGAR (*Principal, College of Arts*): May I ask the Deputy President whether it is not open to the Government to make their own rules in regard to the manner in which they would be satisfied with the enquiry to be conducted under the provisions of the Regulation ?

MR. V. SUBBA AIYAR (*Nominated*) (*Deputy President*) : That may be.

RAO BAHADUR K. V. RANGASWAMI AIYANGAR (*Principal, College of Arts*): If that is so, may I ask the learned Deputy President whether some of those rules might not take the form of asking the Peishkar to call for the party and depose before him, etc ?

MR. V. SUBBA AIYAR (*Nominated*) (*Deputy President*): With reference to that, my point is that, firstly, we are not concerned with the question at present. Secondly, seeing that the Government, by an executive order, are competent to frame the necessary rules, I believe the members of the community who are now agitating for the present Bill can have perfect confidence in the Government that if they represent to the Government that a particular rule is working hardship to them they will institute an enquiry. No rule framed hitherto has been free of hardship upon some persons at least. If it works hardship upon any person, it is certainly open to him to have it rectified by saying that legislative sanction is necessary and that Government cannot frame rules of their own accord.

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RAO BAHADUR K. V. RANGASWAMI AIYANGAR (*Principal, College of Arts*): May I ask the Deputy President whether his defence of this Section is that whatever harshness is contained in it will be reduced by the leniency of the Government? It is going to be left to the rule-making authority?

MR. V. SUBBA AIYAR (*Nominated*) (*Deputy President*): My point is not that any hardship is proposed in the Regulation. There is the same hardship in the Bill itself. You want the majority who want to get into the Bill to make the very same notification so that, whether it is the majority or the minority, the hardship will be there.

RAO BAHADUR K. V. RANGASWAMI AIYANGAR (*Principal, College of Arts*): I said harshness and not hardship.

MR. V. SUBBA AIYAR (*Nominated*) (*Deputy President*): I do not think it makes any difference because the very same thing will occur as the very same provision is found in the Bill. That is my point, so that any individual is at liberty and Mr. Padmanabhan and those of his own way of thinking might send objections in the way in which they are asked to do, and that will be enough. Whereas what is it that the present Bill wants? If an individual wants that his self-acquisitions should not go to his *seshakars* but to his children, he wants the consent of the majority of the *tarwad*. Is that the rule to be applied by those who want that the majority should not coerce a minority? Is that the provision that one would accept namely, that in order that one particular individual may get into it the consent of the other members of the *tarwad* is necessary. Will they ever agree that they should be disinherited? The person who is responsible for the drafting of the Bill should have known that it is impossible under any circumstances to get the consent of all the members of the *tarwad*, because if he does not make a declaration it is the *tarwad* that will get the property. If he makes a declaration it is the children. Is it possible under human conditions—is it possible, that all the members of a *tarwad* will ever agree to this man going up before the officer and declaring that he wants to be a *makkathayee*? Therefore an impossible conditionis attached for a man to get into the Regulation. So far as individuals are concerned, I ask whether it is easier to send the petition or whether it is easier for a man to get the consent of the *tarwad* in order to declare that he is a *makkathayee*.

RAO BAHADUR K. V. RANGASWAMI AIYANGAR (*Principal, College of Arts*): We have now two provisions, namely, the existing provision in the Regulation and the provision that is now proposed by Mr. Padmanabhan. May I know whether the effect of accepting the motion of Mr. Padmanabhan and sending the whole measure for the consideration of the Select Committee and to further consideration of the Council might not be to evolve an improvement on these?

MR. V. SUBBA AIYAR (*Nominated*) (*Deputy President*): That is why I say the present Bill is not an improvement upon the existing law. I have already stated that the principle that should guide the House should be whether the majority wants the thing or not. I may come to

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that point later on. So far as this point is concerned, the Bill is defective. Then again, my friends have been saying all along that it is not right that the majority should coerce the minority, But what is it that we find in the Section itself? So far as partition is concerned, if the majority is willing that the property should be divided, they will be governed by the Section. They can coerce the minority, the unwilling members, and make them agree to that. Why should that be when you think that on principle the majority ought not to be allowed to coerce the minority? The very principle is recognised in the Section itself that the majority should coerce the minority, and that I say is arguing against yourself. Therefore I say that those who stand for the Bill on the ground that the majority should not be allowed to coerce the minority should be non-suited on their own admission and that therefore that principle should not be accepted.

RAO BAHADUR K. V. RANGASWAMI AIYANGAR (*Principal, College of Arts*): He has taken up the question of majority and minority. May I know whether persons who have been supporting the present measure have not said that the question of majority and minority is irrelevant?

MR. V. SUBBA AIYAR (*Nominated*) (*Deputy President*): We are concerned with the principle of the Bill which is before the House. I did not make any reference to Mr. Rangaswami Aiyangar. I referred to those who are responsible for the drafting of the Bill. Another thing we find is that, although under the present Regulation, a *tarwad* may declare itself to be impartible, if later on it wants a change, it is open to it to do that. According to the Bill as it is drafted, once a *tarwad* makes a declaration there is an end of it. If the *tarwad* gets into it, it cannot get out of it. The question we are concerned with is whether as a matter of expediency we have to inconvenience the majority or the minority. Inconvenience there *will* be, we grant. But who should bear the inconvenience, whether it is majority or minority. I believe everywhere there is the rule of the majority and not of the minority. In this House, Regulations and Resolutions are passed by the will of the majority and not of the minority, and therefore it is absolutely the will of the majority that should be respected. At the same time, in order that the minority may not be coerced, we allow them sufficient opportunity and safeguards to get out of the Bill. My friend Mr. Kayyalam Paramesvaran Pillai challenged my statement that I presumed that so far as intestate succession and partition are concerned, the majority were in favour of the Regulation; and I believe, though he attempted to disprove it he has not been successful. I appeal to the House to refer to the Law Committee's report and it will be found that whether it is *misradayees* or *marumakkathayees* whoever may be taken into consideration, the majority was for *makkathayam* and if you go by witnesses—Mr. Kumaran read that one hundred and thirty-eight witnesses were for *makkathayam*, thirty-seven were for more than the existing custom which means more than half and only ninety were against, so that we may take it that 175 witnesses were for change and only 90 were for no change. That being the case, the majority was

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decidedly in favour, not that this point is entirely ignored because, if the members will refer to my speech on the point, I have given the very same figures when I objected to the various amendments. These figures are there whether we take the case of intestate succession or partition. Therefore the Council did not pass it without knowing exactly whether the Bill is in favour of the majority or the minority. We thought it would be safer as I quoted Mr. Rangaswami Aiyangar himself it would be safer to make a satisfactory provision that the minority should get out of it and not the majority. We have done that in the best possible terms, and I believe it is very satisfactory. Nothing has been said as to the question whether it has been satisfactory or not. The only principle is whether the majority should get into it or the minority should get out of it, and we can judge it by the past precedents of this House. So far as social legislation is concerned, it is the duty of the House to legislate for the majority, leaving the minority to get out of the Bill if they want. One further word of explanation in regard to the passages read by Mr. Padmanabhan about my attitude and support of the Bill. Sir, I have already said that Mr. Paramesvaran is a personal friend of mine and I always entertain a high regard for him because he is one of those who is sincere about his convictions. I admire him for his views in spite of what others may say to the contrary. I thought that, when he persisted, there was something in it. But I told him about my helplessness in the matter for the reason that we were presuming that Ezhava community for whom the Bill was being legislated were in the majority and were satisfied. At the third reading when he asked me whether I would support the amendment of the Bill, I distinctly told him I was not sure whether I would be a member of this Council. Because I never thought I would continue to be an official member and I said, if I happened to be a non-official and if Mr. Paramesvaran would convince me, I would certainly help him. I have distinctly stated in my speech as Law Member that we presume and I understand that the majority are for it and I told Mr. Paramesvaran that it was for him to show that his party is in a majority. Even now, the Law Member said that from the figures it will be seen that they are in the majority, while I was mistaken in stating that they are in the minority. I am subject to correction and I will change my views at once, because even now if Mr. Paramesvaran and others of his way of thinking are prepared to satisfy the House that they are really in the majority and the legislation ought to be for them and that those who are for *makkathayam* ought to get into the Bill, I think the House will be justified in passing that piece of legislation. The whole of yesterday I was hearing the various arguments on both sides and Mr. Padmanabhan was not in a position to satisfy us that his party was in the majority. What we really find is we find a petition signed by 330 signatories showing that they really want it. But if I can request the members of this House to go through the past proceedings of the Council, they will find that a volume of petitions was placed before this House by Mr. Paramesvaran, Mr. K. P. Raman Pillai, Mr. Kochukunju Pillai and others containing signatures of various persons protesting

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[Mr. V. Subba Aiyar.]

against the Bill. These signatures were not considered because we had the committee's report as an authoritative document, and therefore mere petitions or signatures would not satisfy us, unless each member can say for certain that, so far as a particular taluk is concerned, the number of electors for instance is so many and out of them so many are for the Bill and so many against the Bill. If from that assurance and from those statistics we are in a position to satisfy ourselves that Mr. Padmanabhan's Bill is to satisfy the majority, certainly I shall be the very first person to vote for him and do my best. Till now, I have not been satisfied that there is anything to support that the Ezhava Law Committee's report is not correct, that the statistics given therein are wrong or that persons for whom the Regulation is passed are not in the majority. Therefore I say we must legislate for the majority.

MR. KAYYALAM PARAMESVARAN PILLAI (*Ag. Additional Head Sirkar Vakil*): May I ask, in view of the objection that was raised by some of the members that the matter was once deliberately decided by this Council and therefore this Council could not again consider it may I ask in view of that objection whether his speech in the late Council that, if an amendment is introduced, it would be considered by him was not holding out a hope?

MR. V. SUBBA AIYAR (*Nominated*) (*Deputy President*): It may be brought again. As to how it may be brought again, I have distinctly stated in very clear and unambiguous terms that we are proceeding on the basis that they are in the majority and that therefore we are legislating for them.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): Was that statement contradicted by Mr. Paramesvaran?

MR. V. SUBBA AIYAR (*Nominated*) (*Deputy President*): I am not quite sure and at the same time I distinctly stated that it may be that Mr. Paramesvaran's party might be in the majority and therefore I said that if I happened to be a non-official member in the Council and if he would convince me of the necessity for the amendment, certainly I would support him, so that it is impossible to stretch one step further. What I did mean was that, if he could convince me that his party was in the majority, I would support him. I also told him on more than one occasion that he would have to prove that his party is in the majority,

MR. KAYYALAM PARAMESVARAN PILLAI (*Ag. Additional Head Sirkar Vakil*): May I know whether this House would be acting rightly if they reject the measure on the sole ground that it was once considered by the Council?

MR. V. SUBBA AIYAR (*Nominated*) (*Deputy President*): I do not stand upon the technical ground of a review. Strictly speaking, a review will be out of order because the House that decided the case is not now here. Probably on that technical objection the revision application may have to be thrown out. I do not think the legislature would stand upon technicality. My point is that we proceeded on a

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particular presumption; if there is anything to show that Mr. Parameswaran is in the majority which I for one think not, by all means accept it irrespective of technicalities.

MR. K. MADHAVAN PILLAI (*Trivandrum cum Neduvangad*): What you said was merely that you should vote according to your convictions?

MR. V. SUBBA AIYAR (*Nominated*) (*Deputy President*): Yes. If his party is in the majority, I will support him. The two passages referring to my speech are very clear. I do not think that at the time I was using any diplomatic language at all.

MR. R. PADMANABHAN (*Nominated*): Do you say that just more than the half of the members of the community would form the majority?

MR. V. SUBBA AIYAR (*Nominated*) (*Deputy President*): One more is enough as in the case of elections.

RAO BAHADUR K. V. RANGASWAMI AIYANGAR (*Principal, College of Arts*): May I know whether, on the last occasion, beyond the assurance that one party or the other had a majority, there was any demonstration that one party was exclusively in the majority? Had he satisfied himself on the point?

MR. V. SUBBA AIYAR (*Nominated*) (*Deputy President*): Except by statistics, I did not satisfy myself.

RAO BAHADUR K. V. RANGASWAMI AIYANGAR (*Principal, College of Arts*): Is he satisfied *now* as to the present condition?

MR. V. SUBBA AIYAR (*Nominated*) (*Deputy President*): No.

RAO BAHADUR K. V. RANGASWAMI AIYANGAR (*Principal, College of Arts*): I heard the learned Deputy President referring to figures quoted in the Law Committee's report. May I know when the figures were gathered?

MR. V. SUBBA AIYAR (*Nominated*) (*Deputy President*): Five or six years ago.

RAO BAHADUR K. V. RANGASWAMI AIYANGAR (*Principal, College of Arts*): May I ask Mr. Subba Aiyar whether there is any kind of assumption that these figures remain unchanged?

MR. V. SUBBA AIYAR (*Nominated*) (*Deputy President*): Might have changed. That is why I said it might be that Mr. Paramesvaran is in the majority and if he will satisfy the House and if he will convince me, I will support him.

RAO BAHADUR K. V. RANGASWAMI AIYANGAR (*Principal, College of Arts*): Mr. Subba Aiyar has asked for satisfaction in regard to figures. May I know how such a satisfaction is to be produced unless the matter is to be discussed in detail by a small compact body like the Select Committee?

MR. V. SUBBA AIYAR (*Nominated*) (*Deputy President*): The proper procedure will be to agitate for another Committee to enquire into the matter and take evidence and see whether the majority is for this measure or not. I do not think the Select Committee will be in a position to take such evidence.

RAO BAHADUR K. V. RANGASWAMI AIYANGAR (*Principal, College of Arts*): Will that not have the effect of barring these people from seeking relief because the law will take effect?

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MR. V. SUBBA AIYAR (*Nominated*) (*Deputy President*) : I do not think Government will be against passing an urgent measure by virtue of the powers vested in the Dewan to extend the period by one year or six months. I do not think such a provision could not be made. If they are to be deprived of their legitimate chance, more time may be given to them. One such method of satisfying the House will be that every person will have to go before the *Proverthicar* or any officer authorised to attest a *vakkalat* or affidavit and say that he is in favour of the Bill or if he will sign it before a member of this House he will vouch for the genuineness of the signature and we will be able to know who are in the majority. I suggested that method to Mr. Paramesvaran and it will be very easy to ascertain who is in the majority. After all, this is only in regard to three or four taluks. The number may not be very many, so far as electors are concerned ; state the name, the number of the member in the electoral roll and the signature of the attesting officer or whoever it may be and sign it before a particular member of this House ; and I believe every member of this House will be accessible and he will not have the slightest objection to say that a particular man signed it before him.

MR. A. K. PILLAI (*Karunagapalli*) : At this stage of the discussion and at such close proximity to five o'clock, may I know, Sir, whether you have an idea of extending the time beyond 5 o'clock ?

PRESIDENT : No. The discussion has been long enough and we have been sitting here for a long time. I do not think I can ask the members fairly to continue beyond five.

MR. K. I. JOSEPH (*Minachil* cum *Devicolam*) : Mr. Kayyalam Paramesvaran Pillai was explaining, and that most emphatically, that we ought to concern ourselves only with the real issue and not with side issues. I freely concur with Mr. Paramesvaran Pillai in this matter, and I am glad that he has helped me to come to a more definite conclusion in regard to the question. But the question remains, what is the real issue now before us ? Mr. Paramesvaran Pillai stated that the real issue was whether Mr. Kumaran's party should be asked to come forward and register themselves into the Bill or whether Mr. Padmanabhan's party should come forward and register outside it. But I think that this is not the real issue before us. The real issue is whether this amendment Bill is to be accepted or not. I say, this matter has been considered very carefully by this Council before the existing Regulation was passed. Having listened to the discussions, I think that those who supported the Amending Bill have no case whatever. So, to come to a correct conclusion, we have also to go into the merits of the question whether Section 33 of the existing Regulation is a just provision or whether it works any real hardship to a considerable section of the Ezhavas. If those who are in favour of the amending Bill prove that there is real hardship caused by Section 33 and that this House committed an error in passing the existing Regulation, I will admit that there are sufficient grounds for amending it. But, so far as the discussions have gone in this House till now, I do not think Mr. Padmanabhan or his supporters have proved

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that position. Mr. Kayyalam Paramesvaran Pillai and Mr. K. V. Rengaswami Aiyangar made eloquent speeches in support of the amending Bill. But I do not think that their eloquence has been able to convince any of us as to the necessity of amending the existing Regulation. If a new Ezhava Regulation is being considered by this Council, then, of course, we will have to go into the principles of social legislation and all that. Now, actually, there is a Regulation before us and we are dealing with the amendment of it. If it is the question of a fresh Regulation being passed by this House, then, I can understand the necessity of considering the principles of social legislation. Now, since we are concerned with the amendment of the law, we are only to say whether the law, existing now, is in itself wrong or harsh. I think, in Section 33 of the existing Regulation, there is ample provision safeguarding the interests of all the parties concerned. The real object of the amending Bill, so far as I have been able to understand it, is to pass a legislation for a section of the Ezhavas who are indifferent to it. For the purpose of this amending Bill, I think the *misradayam* section may be divided into three sections, one strongly in favour of Section 33, the second strongly against it and the third purely indifferent in the matter. I think the object of the amendment is to legislate for the third class that I have mentioned just now. Those who are strongly against Section 33 will certainly come forward and register themselves out of the Regulation, and those who are strongly for the Section are perfectly satisfied with the existing Regulation and they do not want this amendment at all. The amendment Bill is therefore intended only for the people who are indifferent about the law which should apply to them. That being so, I do not think there is any injustice in the present Regulation. If Mr. Padmanabhan or any of his supporters proves that all those who are indifferent will also be affected by the existing Regulation, I can understand the force of that argument. So far as the working of the present Regulation has gone, there has not been a single application from the dissenting section of the *misradayees*. Therefore, as a reasonable human being, I do not think there is anybody who is against the present Regulation. Mr. K. V. Rangaswami Aiyangar stated that it was not absolutely necessary for them to apply for exemption until the last day. I cannot understand the *logic* of his argument.

RAO BAHADUR K. V. RANGASWAMI AIYANGAR (*Principal, College of Arts*): May I ask Mr. Joseph whether, as a Vakil who has got to do with questions of limitation, he is not aware that it is open to a party to exercise the right of suing even on the last day after which it will be barred by limitation?

MR. K. I. JOSEPH (*Minachil* cum *Devicolam*): Yes, I understand the question. While Mr. Kumaran was speaking on this amending Bill, Mr. Rangaswami Aiyangar asked him also whether it was absolutely necessary for the people to put in any application till the last day. I say that, as ordinary human beings who have common sense and reason, the people would certainly have availed themselves of the earliest opportunity to get out of the legislation if they really did not want it. I do not see any reason why they should wait till the last day.

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RAO BAHADUR K. V. RANGASWAMI AIYANGAR (*Principal, College of Arts*) : Is that his experience in the matter of suits for recovery of debts?

MR. K. I. JOSEPH (*Minachil* cum *Devicolam*) ; This is not a matter of the recovery of any debt.

MR. V. SUBBA AIYAR (*Nominated*) (*Deputy President*): Is it not more charitable to suppose that the people wanted to know the result of their agitation and of the amending Bill before they elected to apply for exemption to get out of the Regulation?

MR. K. I. JOSEPH (*Minachil* cum *Devicolam*) ; They could not have been sure that this amending Bill would be carried in this House. Certainly, if anybody had given them a guarantee that the Bill would be passed in this House, the people would be justified in not applying for exemption till now. I do not think anybody has guaranteed like that. Mr. Subba Aiyar himself says that, at the time Mr. Paramesvaran went to him and protested against the existing Regulation, he did not commit himself to any definite promise to support his cause but that he only stated that, *if* he is convinced that Mr. Paramesvaran has a majority behind him, then he would support him. I do not think there was any sort of pledge to the effect that the Bill would be passed in this House.

MR. A. K. PILLAI (*Karunagapalli*) : Probably they are waiting for an auspicious day.

MR. K. I. JOSEPH (*Minachil* cum *Devicolam*) : I am not concerned with that.

My chief point is that the intention of the amending Bill is to affect those who are really indifferent in the matter. Those who are really against the Regulation have got sufficient safeguard in Section 33 of the existing Regulation. So far as the people who are indifferent are concerned, there is absolutely no injustice, no hardship, no iniquity whatsoever.

Another aspect of the question that has to be considered now is the general interest of the community as a whole. Now, if you allow the amending Bill to be passed in this House, that means that there will be different systems of law prevailing over the same community. I think that, in all civilised States, in all civilised communities, it is in the interest of the community and the State to see that there is some sort of unanimity in the law relating to inheritance, partition and such other matters.

MR. KAYYALAM PARAMESWARAN PILLAI (*Ag. Additional Head Sirkar Vakil*) : May I know whether complete unanimity is guaranteed by the existing Regulation?

MR. K. I. JOSEPH (*Minachil* cum *Devicolam*) : So far as the existing Regulation is concerned, during the last three months after it has come into force, nothing has been done by the dissenting section of the community. Moreover, the existing Regulation provides sufficient

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safeguards for people who do not want to take advantage of the provisions of the existing Regulation. I think, in the interests of the Ezhava community as a whole as well as in the general interest of the State, it is necessary that there is an unanimous system of law for all the Ezhavas.

Another point to which I would like to refer is the principles of social legislation which have been much talked of by Mr. Kayyalam Paramesvaran Pillai and Mr. Rangaswami Aiyangar. I can very well understand the force of their arguments if it had been raised while Section 33 of the existing Regulation was being considered by this Council. Now, the question is to change the existing law into something else. I say that those who want to bring about a change in the existing law are bound to show that there is real necessity for changing the law. I think that they have not shown any strong ground for amending the existing law. I therefore oppose the amending Bill.

MR. A. K. PILLAI (*Karunagapalli*): In view of the answer which you have given, will it not be better to ascertain the number of speakers yet to come forward, and fix the time limit accordingly?

PRESIDENT: I do not know if I can limit the number of speakers.

MR. A. K. PILLAI (*Karunagapalli*): You can limit the time.

MR. KAYYALAM PARAMESVARAN PILLAI (*Ag. Additional Head Sirkar Vakil*): It is open to any member who has not already spoken to move for closure.

MR. K. SIVARAMA PANIKKAR (*Shertallai*): Sir, I think that I should vote against this amending Bill. Whether the Bill was considered in the last Council or not, that is not our question. But there was not even one member on this side of the House who supported the amending Bill. That shows the fate that it is going to meet with at the end. I have been attending to some of the speeches made by the members on the other side of the House to the effect that, in legislations like this, even the case of the minority should be considered and due weight given. That question has been discussed by the members on this side of the House and the impracticability, the impossibility and the ridiculousness of the same have been shown by them. Not even 3 months have lapsed since the Regulation was passed and, so early as this, an amendment has been brought into this House. At this rate, there is no knowing how many more amendments are going to come. The *Standard*, one of the most impartial and leading newspapers of the State, says that it is a thing which concerns vitally the prestige of the Council as also of the Government. I do quite agree with the statement that has been made in that paper. Every member on this side of the House is more or less convinced that this amending Bill comes from a minority of the *misradayam* community, if I may be permitted to say so.

RAO BAHADUR K. V. RANGASWAMI AIYANGAR (*Principal, College of Arts*): May I know whether, when he said '*not even one member on this side of the House*', he included even Mr. Padmanabhan?

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MR. K. SIVARAMA PANIKKAR (*Shertallai*) : I am prepared to exempt Mr. Padmanabhan and also Mr. Rangaswami Aiyangar. (*Laughter.*)

RAO BAHADUR K. V. RANGASWAMI AIYANGAR (*Principal, College of Arts*) : May I point out that I do not belong to *that* side of the House while Mr. Padmanabhan does ?

MR. K. SIVARAMA PANIKKAR (*Shertallai*) : I represent a constituency which claims to have a population of nearly seventy thousand Ezhavas.

MR. R. PADMANABHAN (*Nominated*) : May I know how many *misradayees* there are in his constituency ?

MR. K. SIVARAMA PANIKKAR (*Shertallai*) : I thought Mr. Padmanabhan would have satisfied himself by the answer given by Mr. N. V. Joseph yesterday. If he is not satisfied with that, I may also say that the question now under consideration does not concern a single individual *misradayee*. It is a question which concerns vitally the whole of the Ezhava community whether they be *marumakkathayees, makkathayees or misradayees*. I represent. Sir, a constituency where there are seventy thousand Ezhavas and I have risen to speak on their behalf. If Mr. Padmanabhan is not satisfied with that, I may also say that I reside in a place, in Quilon, which may be called the stronghold of the *misradayam* section, and, if he will agree with the opinion of those *misradayees* of Quilon, I may tell him that at a meeting held at Perinad, over which I had the good fortune to preside, I stood up and asked if there was any member of the community in support of the amending Bill that is to be brought forward in this Council by Mr. Padmanabhan. I may say that there was not even one member who stood up on that occasion.

MR. KAYYALAM PARAMESVARAN PILLAI (*Ag. Additional Head Sirkar Vakil*) : May I ask Mr. Sivarama Panikkar whether he put it before the meeting that the real and the only issue raised by the amending Bill was as to which party should come forward and apply for exemption ?

MR. K. SIVARAMA PANIKKAR (*Shertallai*) : Yes, I did. There were so many speakers who spoke on this amendment Bill. Mr. Padmanabhan, during his speech the other day, referred to a certain Sankaran Channar of Quilon. One of his nephews, during his speech, said that before the 1st Chingam 1101 he was a *misradayee* and that he got himself divided after that He said that he even went one step further than the Bill. He said that he divided himself even from his mother, to which there is no provision in the Regulation. I believe I myself explained the provision of the amending Bill. I have found, and I am prepared to state that in this open Council, that it is only a minor section of the *misradayees* that wants this amendment Bill. Now, according to the amendment Bill, the majority of the *misradayees* have to register themselves into the Bill. The reason suggested in support of the position is that they form the cultured section of the community and

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that they can come forward to do it at least as a piece of social service. On the other hand, I think that this cultured section would be doing much better social service to their community if they keep it intact as provided for in the existing Regulation.

I have one more reason in opposing the principle of the amending Bill. The Bill, as has been brought forward by Mr. Padmanabhan, aims at nullifying the cohesion and solidarity obtaining in the community at present.

MR. R. PADMANABHAN (*Nominated*). Does the member think that solidarity is to be obtained by compulsion?

MR. K. SIVARAMA PANIKKAR (*Shertallai*): Certainly, certainly; if there is no voluntary move towards solidarity, it is competent to compel the people by law. If, Sir, in the whole of Kerala, there is one community which is well-disciplined, well-organised and well-manned, it is this Ezhava community, a community that can stand upon a common platform for a common cause. I say, it is the business of this Council, consisting of representatives of the whole State, and also of the Government, to safeguard the interests of such a community. I therefore most vehemently oppose this amending Bill.

MR. R. PADMANABHAN (*Nominated*): May I ask the member, which part of the Ezhava community has attained the position described by him?

MR. K. SIVARAMA PANIKKAR (*Shertallai*): I speak of the community as a whole.

MR R. PADMANABHAN (*Nominated*): Does he hold the same opinion with regard to the *misradayam* section also?

MR. K. SIVARAMA PANIKKAR (*Shertallai*): I do not find any *section* in the community after the 1st Chingam 1101. (*Laughter.*)

I object to this Bill on another ground also. In the drafting of the amendment Bill, one mischief has been done, if I may be permitted to say so. I am a lay man and I do not know if I am treading upon forbidden grounds when I said so. The amending Bill proposes to give retrospective effect: It is a very dangerous provision. If, under the existing Regulation, after the 1st Chingam 1101, any member of the *misradayam* section had made any family arrangement, such arrangement will have to be declared null and void if this amending Bill is passed. I think this means nothing but giving retrospective effect to this Bill. That is one more reason why I say the Bill should not be tolerated. On this ground also, I oppose the Bill.

MR. CHANGANACHERY K. PARAMESVARAN PILLAI (*Quilon*): Sir, Mr. Kayyalam Paramesvaran Pillai has been persistently pointing out that the real issue before the House is as to who should come forward and register. It appears to me, Sir, that that is not the issue. That was the issue before the Council about a year ago. But the Council decided it then in one way and the issue now before the Council is as to whether there are sufficient grounds for going back upon the decision of the last Council. In regard to this matter, Mr. Paramesvaran Pillai has given three reasons for setting aside the decision of the last Council.

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In the first place, he said that the matter did not come up before the last Council in the form in which it has been presented to-day by Mr. Padmanabhan. Secondly, he said that the House was under a misapprehension with reference to the question as to whether the majority was in favour of the existing Regulation or against it. Thirdly, he said that the Council ignored the fundamental principle of social legislation *viz.*, that all social legislations should only be permissive and not compulsory. Let us examine these reasons a little patiently.

Now, in regard to the first two arguments *viz.*, that this question was not before the last Council in the form in which it has been presented to-day by Mr. Padmanabhan, and that the House was under a misapprehension with respect to the opinion of the majority in the matter,—my friends who spoke before me have given sufficient answers and I do not think it necessary to waste the time of the Council by repeating them again.

But in answer to a question put by one of my friends to Mr. Kayyalam Paramesvaran Pillai, he said that even though all the questions were considered in this Council and even though the majority was in favour of the measure now passed, Mr. Kayyalam Paramesvaran Pillai will persist in saying that the last Council made a mistake in passing the measure as it was opposed to the fundamental principles of legislation in social matters. This is a point upon which I shall try to offer a few observations. In regard to legislation, as far as I have been able to study the question, I have not come across any distinction between social legislation and other forms of legislation. Really all legislations are social, because they affect societies. I refer to this matter not merely from an academical standpoint because if there was such a distinction there would have been certain differences based on principles universally applicable. No such principles have been laid down. Really the distinction is not between social legislation and political legislation but between the law of particular communities and territorial law. This distinction was made by the British Government in India under peculiar circumstances. There are communities in India following Hindu Law, there are communities following Mahomedan Law, there are communities following the Indian Succession Act. And therefore in regard to these communities which had personal laws of their own and which affect their system of inheritance, marriage and divorce, the British Government made a distinction. That distinction arose on account of the peculiar position of India and the alien origin of the Government of India.

MR. N. V. JOSEPH (*Parur*): May I know whether there are no social legislations so far as westerners are concerned?

MR. CHANGANACHERY K. PARAMESVARAN PILLAI (*Quilon*): So far as I know, no distinction is drawn.

MR. N. V. JOSEPH (*Parur*): May I know whether there are special legislations for customs relating to marriage, &c.

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MR. CHANGANACHERY K. PARAMESVARAN PILLAI (*Quilon*) : I am not aware of any such thing.

MR. K. I. JOSEPH (*Meenachil* cum *Devicolam*) : May I know whether there is any difference between the legislation enacted in relation to marriage and that in relation to transfer of property?

MR. CHANGANACHERY K. PARAMESVARAN PILLAI (*Quilon*) : So far as I can see there is no distinction in the matter.

MR. K. I. JOSEPH (*Meenachil* cum *Devicolam*) : May I know whether the subject matter in the two cases is not different?

MR. CHANGANACHERY K. PARAMESVARAN PILLAI (*Quilon*) : I think I said that all laws which affect the well-being of the community as a whole are called social legislations.

In India the personal law was mixed up, as it were, with religion and the British Government was unwilling to interfere with the religious practices and usages of the Indians. They had pledged themselves to religious neutrality. But even in spite of this, the British Government have not been slow to legislate even for communities where the majority of the people wanted change. Take for instance the Indian Succession Act. A large section of the Parsi community was against the law being applied to them. Still the British Government extend the law even to them and Sir Henry Maine in his speech at the Imperial Council said that, so long as this matter affected the whole of India, he could not make an exemption in favour of a particular community.

RAO BAHADUR K. V. RANGASWAMI AIYANGAR (*Principal, College of Arts*) : May I remind Mr. Changanachery Paramesvaran Pillai about the Cutch Memon community in regard to Mahomedan law?

MR. CHANGANACHERY K. PARAMESVARAN PILLAI (*Quilon*) : I am obliged to Mr. Rangaswami Aiyangar for having reminded me of this. I am coming to that.

Almost a parrallel case arose in British India in the case of the Cutch Memons. The Cutch Memons were followers of Hindu law. They wanted the Mahomedan law to be applied to them and a legislative enactment passed in regard to that. There was a small minority who did not want any change in the existing custom. An exemption clause was proposed in regard to them and then the question arose as to whether the exemption registries should be made by the majority or the minority. The question went before a Select Committee which was of opinion that the minority should register out and not the majority. Of course, no legislation was undertaken on that basis. But the opinion of the qualified persons was this. I would refer the Council to a passage in regard to this matter in Mr. Bijay Kisor Acharaya's Book on Codification in British India, page 362 :—

"In framing a fresh Bill upon these new lines the difficulty presented itself to the legislature that, if the general body of the community was to be subject to the Mahomedan law, any dissenter from that proposition making a declaration that he wished his family to be subject to the customary law would have practically to write himself down a dissenter from the general Mahomedan law to proclaim himself unorthodox and in

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other words an infidel. This was a position so serious that the Select Committee considered for some time what possible alternative might be suggested to overcome the natural unwillingness of the dissenters of the community to carry out what many felt to be most suited to the circumstances of their own families. The suggestion which was eventually made was that the Bill should take the shape of giving the Mahomedan law to the whole community, but allowing anybody who wished to remove his own particular family out of the general law to carry out his purposes by a testamantary disposition. Testamentary dispositions under the strict Mahomedan law are very limited and the Select Committee felt that it could not carry through the proposition without once more consulting the Memons of Bombay. The Select Committee recommended that the Government of Bombay should be once more consulted in the matter. Nothing further had been done in this matter and the whole thing was dropped."

MR. K. K. THOMAS (*Kottayam*): What did the Government do?

MR. CHANGANACHERY K. PARAMESVARAN PILLAI (*Quilon*): No further action was taken.

Roughly the opinion was that it was the minority who did not want the law that should register and not the majority who wanted the law to be passed.

RAO BAHADUR K. V. RANGASWAMI AIYANGAR (*Principal, College of Arts*): May I ask Mr. Changanachery Paramesvaran Pillai how the Government of India viewed the matter?

MR. CHANGANACHERY K. PARAMESVARAN PILLAI (*Quilon*): Beg your pardon, Sir.

RAO BAHADUR K. V. RANGASWAMI AIYANGAR (*Principal, College of Arts*): May I ask Mr. Changanachery Paramesvaran Pillai what was the decision of the Government of India when it was found that the community was not unanimous in spite of the recommendation of the expert Select Committee?

MR. CHANGANACHERY K. PARAMESVARAN PILLAI (*Quilon*): I do not know what the opinion of the India Government was; but I know that the Select Committee to which the matter was referred was of the view that the minority who did not want the law should register out of it.

Thus we see that, even in British India where Government are under a disability in regared to legislation relating to the personal law of communities, the prevailing opinion among thinking people is that, if the majority desires it, legislation must be undertaken and it is the minority that should register their names cut if they are unwilling to be bound by it. Now Native States are entirely in a different position. In a Native State, especially in Travancore which is a Hindu State, consisting of a majority of Hindu population and the Maha Raja of Travancore is not only the Sovereign of the State but also its spiritual and social head—

MR. K. I. JOSEPH (*Minachil* cum *Devicolam*): May I know what the member meant by saying that Travancore is a Hindu State?

MR. CHANGANACHERY K. PARAMESVARAN PILLAI (*Quilon*): I used it in the ordinary sense. It is usual to speak of Travancore as a Hindu State as it is ruled by a Hindu Sovereign and the majority of the population are Hindus.

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MR. KAYYALAM PARAMESVARAN PILLAI (*Ag. Additional Head Sirkar Vaku*) : May I know whether Mr. Changanachery Paramesvaran Pillai accepts the statement of Mr. Kumaran that His Holiness the Sri Narayana Guru is the spiritual head of the Ezhavas.

MR. CHANGANACHERY K. PARAMESVARAN PILLAI (*Quilon*) : I do not accept His Holiness the Sri Narayana Guru as the spiritual head of the Ezhavas. The Ezhavas in Travancore are the subjects of His Highness the Maha Raja of Travancore and I consider that the spiritual Head of the people of a Hindu State is its Sovereign. Sri Narayana Guru is their spiritual guru or preceptor.

MR. M. SIVATANU PILLAI (*Tovala*) : May I know whether the Ezhava Bill could not be committed to a fresh Select Committee as was done in the case of the Cutch Memons?

MR. CHANGANACHERY K. PARAMESVARAN PILLAI (*Quilon*) : There was no recommittal in the case of the Cutch Memons and I do not think there is any use in committing this to a Select Committee.

There is thus no universal principle, so far as legislation in regard to personal law is concerned, that, unless there is a uniformity of opinion, there shall be no legislation at all. The Native States are at a peculiarly advantageous position in so far as the spiritual or social head of the community is the Sovereign. Further in this Council, a convention has been created by enacting laws affecting the personal law of communities in response merely to the wishes of the majority. Take for instance the Christian Succession Act, the Nayar Regulation and the Vellala Bill which was passed yesterday ; and therefore the argument that, because it is a social law affecting the personal law of any particular community, there must be absolute uniformity in the matter, I beg to submit, is absolutely untenable.

Now, Sir, the real difficulty in regard to this matter is not that it is a social legislation ; for there are other provisions which affect the social customs and manners of the community, such as provisions with regard to marriage, bigamy and polygamy. In regard to these, no objection has been raised because their social manners have not been interfered with. It is because this legislation affects the rights to property that the whole trouble arises. In all cases where rights to property are affected, there is likely to be a good deal of discontent because expectations are very often liable to be defeated. Here we have got a community where, according to the personal law, self-acquisition is divided between a man's *seshakars* and children. The *seshakars* have formed the expectation that, when their *karanavan* dies, one-half of the property will descend to them. Now this law defeats that expectation. Therefore among the *anandaravars* of the rich *karanavans*, there is likely to be a serious discontent. It will only be temporary for, once the legislation is passed and the expectations are defeated, the whole of the community from the next generation forward will quietly submit to the law. This is exactly what Bentham says. I would crave the indulgence of the House to refer to page 196 of Bentham's Theory of Legislation in this connection :—

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[Mr. Changanachery K. Parameswaran Pillai.]

"The very first laws found some expectations already fully formed for, as we have seen, there was a shadowy kind of property even in primeval times—that is to say, some slight expectation of keeping what had been already acquired and it was this anterior expectation which determined the direction of the earliest laws; while they, in turn gave birth to fresh expectations, hollowing out the channel in which the hopes and desires of mankind were destined to flow. Nowadays it is impossible to make any change in the laws of property without obstructing more or less the existing current, and finding that it offers to the proposed reform some appreciable resistance."

And that is what we have got here. The remedy proposed by Bentham is to postpone the operation of the law for some time.

"Suppose that you are called upon to ordain a law in conflict with the established expectations of the people. If it be possible you should so arrange that the law does not come into force for a long time and in this way the present generation will not feel the change while the rising generation will be quite prepared for it. You will find among the younger generation some who will side with you in your fight against the old-fashioned views and you will have done no wrong to existing interests, because there will be time enough to prepare for the new order of things. Everything in fact will be plain-sailing for you as you will have thus prevented the rise of expectations with which you would otherwise have had to reckon."

This is Bentham's suggestion. What we have provided is an exemption clause for the minority. It is the acquirer that should determine how his property should be disposed of after his death. Two courses are open to him. He may execute a will or he may register himself out of the Regulation if he so desires. After this generation nobody, I beg to submit, will feel the trouble and I believe that then everybody will live in pecae and quiet.

I should like to offer one word of personal explanation before I close. Mr. Padmanabhan referred to the importunate petition made by certain *misradayee* Ezhavas of Quilon to the member for that taluk. Mr. Padmanabhan knows only that his party came and implored me to vote for them. He does not know that the other party also requested me to give my vote for the other side. What I submit is, if the whole of my constituency ask me to vote in a particular manner, I am not bound to do so. Once I am elected a member, I am not the member for Quilon but I am a member of this august assembly, and on questions which come up for discussion I am bound to exercise my own independent judgment and not borrow the judgment of my constituency. Of course, I pay great respect to the opinion of the people of my constituency. But I never surrender my judgment to them. (Mr. P. K. Narayana Pillai: *Hear, hear.*

MR. N. KUMARAN *Nominated*): I move that the question be now put.

MR. KAYYALAM PARAMESVARAN PILLAI (*Ag. Additional Head Sirkar Vakil*): The practice of this House is that a member who has spoken should not move for closure.

MR. V. SUBBA AIYAR (*Nominated*) (*Deputy President*): That may mean that he wants to hear the music of his own voice and not of others.

MR. K. MADHAVAN PILLAI (*Trivandrum cum Neduvangad*): I move that the question be now put.

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RAO BAHADUR K. V. RANGASWAMI AIYANGAR (*Principal, College of Arts*): May I submit, Sir, for your consideration as the President that many people have spoken and many others have not spoken on an important subject which the community has taken seven years to decide. Is it right, Sir, that this House should be allowed to decide the question before it has heard all the members? I submit that the members who want to speak should be heard. It is in your hands, Sir.

PRESIDENT: I will put that motion to the vote of the House now.

The motion for closure was put to the vote of the House and carried by a large majority.

MR. R. PADMANABHAN (*Nominated*): Sir, before I commence to refute the various arguments advanced against me, I ask the permission of the President to read before this House a petition presented by eleven honourable members of this Council.

MR. KAYYALAM PARAMESVARAN PILLAI (*Ag. Additional Head Sirkar Vakil*): I fear that the petition he is referring to is not a petition made to this Council.

MR. R. PADMANABHAN (*Nominated*): That is a petition given to the Government.

MR. V. SUBBA AIYAR (*Nominated*) (*Deputy President*): I understand that the rules say that only petitions presented by a member of the Council—

PRESIDENT: I know that a petition has been sent to Government.

MR. R. PADMANABHAN (*Nominated*): May I refer to certain paragraphs of the petition?

MR. C. P. TARAKAN (*Kunnatnad*): May I know whether that document is in his possession?

MR. R. PADMANABHAN (*Nominated*): No. Only a copy of it is in my possession.

PRESIDENT: It is a document now in the possession of Government and it has been presented to Government by certain members of whom you are a signatory. If the other signatories have no objection, I shall let you read it.

MR. R. PADMANABHAN (*Nominated*): Some of them are not here.

PRESIDENT: Well, you may get the consent of as many of them as are here.

MR. R. PADMANABHAN (*Nominated*): I request every one of those who are present here to express their opinion whether there is no objection for my reading it.

MR. KAYYALAM PARAMESVARAN PILLAI (*Ag. Additional Head Sirkar Vakil*): What the member wants, Sir, is to make it a part of his argument and not simply to read it.

PRESIDENT: Oh, yes. You can certainly do that, Mr. Padmanabhan.

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MR. R. PADMANABHAN (*Nominated*): Sir, the petition runs as follows:—

MR. N. KUMARAN (*Nominated*): May I rise to a point of order? He is reading the petition.

PRESIDENT: No, you must incorporate it in your speech and not read it out simply, Mr. Padmanabhan.

MR. R. PADMANABHAN (*Nominated*): No, I am not reading it and that is why I said it runs as follows, The petition was addressed to the Dewan and was dated 3rd August 1925. The petition purported to be as follows:—

"We, the undersigned members of the Legislative Council, learn that the *Misradaya Ezhava Samudayam* of Travancore feel that they have a genuine grievance against certain provisions of the Ezhava Regulation and that Government have forcibly placed on their head a piece of legislation which they never prayed for and against which they have been systematically protssting from its inception. Some of us are personally aware that most of the *misradayees* wish to continue their old time-honoured system of inheritance.

Although in this Regulation passed in the interests of the whole Ezhava population living all over Travancore, the minority, *viz.*, the *misradayees* who number only two lakhs out of the 7 lakhs of the total Ezhava population, is allowed to get out of those portions of the Law to which they take objection, they feel that the procedure to get exemption as provided in Clause 33 is doing greater harm to them. For Clause 33 runs as follows:—

'33 (1) On an application made within six months from the commencement of this Regulation—

(i) By an individual member of an Ezhava *Tarwad* with reference to the provisions of Part IV, or

(ii) By a majority of the adult members of such *Tarwad* with reference to the provisions of Part VII (i)

the Government may after making such enquiry as may be necessary and on being satisfied as to the truth of the application exempt by a notification in the Government Gazette such individual member or *Tarwad* as the case may be, from the operation of the said provisions of this Regulation'.

According to this, every one of the 20,000 *Tarwads* constituting *misradayees* has to apply to Government to secure the exemption. In other words, more than 60 per cent. of the two lakhs of *misradayees*, man and woman, have to wait for days together in the various Sirkar Offices. This is certainly a cumbrous and impracticable procedure, not to speak of the serious inconvenience and the loss to those families apart from the humiliation and discomfiture.

To avoid these difficulties the *misradayees* assembled in public meeting under the presidency of K. G. Sesha Iyer Esq, Retired Judge of the High Court, formulated a simpler and more wholesome method and resolution passed therein was forwarded to Government.

They want to have the present Clause 33 amended as follows:—

"33. Notwithstanding anything contained in the previous Clauses, Part IV dealing on intestate succession and Part VII on partition will not apply to that section of the Ezhavas who have been observing from time immemorial the *misradaya* system of inheritance.

"34. Provided any *Tarawad* of *misradayee* may apply to Government to have it exempted from the operation of the above section 33 and Government may, after doing due enquiry, grant that exemption".

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We feel that they have a just cause for complaint and their prayer to have the present Clause 33 deleted and modified as stated above, is just and equitable; and it is the duty of Government to protect their interest.

We have therefore considered it our duty to request that Government may be so pleased as to grant their prayer by amending the Ezhava Regulation as pray l for by them at the earliest opportunity since it comes into force on the 1st Chingom 1101."

From this it will be seen that, at the request of the *misradayees*, these members requested the Government before the Regulation came into force by means of that petition. Most of the arguments advanced against me in this House yesterday were based on the assumption that full *makkathayam* is the ideal system of inheritance to be followed by all communities whether they like it or not. We are not here to solve the purely academical question whether full *makkathayam* or partial *makkathayam* is beneficial to a community. We are here to solve the question whether it is justifiable on the part of the legislature to impose on a community a system of inheritance which the legislature regards as best-suited to its interests and which the community regards as ill-suited to its conditions. I do not see whether any legislature is competent to interfere voluntarily with the system obtaining among a community so long as it satisfies all the incidents of a legally valid custom. Freedom to follow a legally valid custom is inherent in every human society. No external power is in fairness and justice competent to restrict that freedom of a peaceful community. It is my sincere opinion that all right-minded men of well-balanced opinion will view the question with a point of tolerance. Without tolerance, human society cannot attain natural growth. Much stress was laid yesterday by Mr. Kumaran on the fact that the proposed Bill, if passed, will give room to disunion among the members of the community. Without some spirit of toleration I say you cannot generate and maintain solidarity. Coercive means are apt to be destructive and real solidarity can be effected only by constructive means. When asked about the opinion of Sri Narayana Guruswami, Mr. Kumaran said that His Holiness was in favour of *makkathayam*. I may in that connection add that, had it not been for that fact, I would not have pointed out that, actuated by the spirit of toleration, His Holiness expressed in very clear terms in a letter addressed to the Chairman of a meeting of *misradayees* held in this hall in Makaram last year that the *misardayees* should be exempted from the operation of the Ezhava Regulation.

MR. N. KUMARAN (*Nominated*): May I inform my friend that no letter of that kind was read in that meeting and I was present in that meeting while he himself was absent?

MR. R. PADMANABHAN (*Nominated*): I did not say that that letter was read.

PRESIDENT: That is not part of the business.

MR. K P. NILAKANTA PILLAI (*Chirayinkil*): May I ask the member who framed the petition referred to by him?

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PRESIDENT: Which petition?

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): The petition which he referred to just now.

PRESIDENT: Just now? It was long ago that he read a petition.

MR. R. PADMANABHAN (*Nominated*): I do not know who framed that petition.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): May I ask the member whether—

PRESIDENT: I do not think that you are entitled to cross-examine him.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): I am not cross-examining him.

PRESIDENT: Mr. Padmanabhan, you may proceed with your reply.

MR. R. PADMANABHAN (*Nominated*): I shall read a copy of the letter above mentioned.

PRESIDENT: You cannot read it since that is not a document before the Council.

MR. R. PADMANABHAN (*Nominated*): Then, that is all I have to say.

PRESIDENT: Have you finished your reply?

MR. R. PADMANABHAN (*Nominated*): Yes.

MR. M. SIVATANU PILLAI (*Tovala*): Before the motion is put to vote, I want a ruling from the Chair whether any change of opinion irrespective of the length of time or duration really detracts from the nobility, integrity and honesty of the honourable members.

PRESIDENT: I am not going to pronounce a ruling on that. I shall now proceed to put the motion to the vote of the House.

The motion was declared lost, 9 voting *for*, 28 voting *against* and 5 remaining neutral.

MR. A. K. PILLAI (*Karunagapalli*): I demand a poll.

A poll was taken with the following result:-

AYES—9.

1. Mr. C. Kerala Varma Koil Tampuran.
2. ,, K. Narayanan Pandalay.
3. ,, N. Nilakanta Pillai.
4. ,, R. Padmanabhan.
5. ,, Kayyalam Parameswaran Pillai.
6. Mr. S. Piraviperumal Pillai.
7. Mrs. M. Poonen Lukose.
8. Rao Bahadur K. V. Rangaswami Aiyangar.
9. Mr. S. C. H. Robinson.

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NOES—30.

1. Mr. I. C. Chacko.
2. ,, R. Dhanukoti Pillai.
3. ,, K. George.
4. ,, A. J. John.
5. ,, K. I. Joseph.
6. ,, N. V. Joseph.
7. ,, S. Gnana Joshua.
8. ,, C. P. Kochukunju Pillai.
9. ,, A. K. Pillai.
10. ,, N. Kumaran.
11. ,, T. Kumara Pillai.
12. Dr. N. Kunjan Pillai.
13. Mr. Tariatu Kunjitomman.
14. ,, X. G. Lopez.
15. ,, K. Madhavan Pillai.
16. Mr. K. C. Mammen Mappillai.
17. ,, T. J. Matthew.
18. ,, G. Narayana Pillai.
19. ,, K. Narayana Pillai.
20. ,, P. K. Narayana Pillai.
21. ,, K. P. Nilakanta Pillai.
22. ,, G. Paramesvaran Pillai.
23. ,, Changanachery K. Paramesvaran Pillai.
24. ,, K. Sivarama Panikkar.
25. ,, G. Raman Menon.
26. ,, J. Stephenson.
27. ,, V. Subba Aiyar.
28. ,, C. P. Tarakan.
29. ,, C. P. Thomas.
30. ,, K. K. Thomas.

NEUTRALS—8.

1. Mr. J. B. Cook.
2. ,, P. Habeeb Mahomed.
3. ,, K. V. Natesa Aiyar.
4. ,, W. H. Pitt.
5. Mr. T. P. Ramasubba Aiyar.
6. ,, M. Sivatanu Pillai.
7. ,, C. N. Thuppan Nambutiripad.
8. ,, A. J. Van Ross.

The motion was declared lost

PRESIDENT: The House will now adjourn *sine die*.

The Council adjourned at 4-55 P. M. *sine die*.

T. P. RAMASUBBA AIYAR,
Secretary to the Legislative Council.

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